

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, JULY 9, 2018 TIME: 6:15PM

AGENDA

- 6:15PM – PUBLIC DIALOGUE SESSION

- I. CALL TO ORDER
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE

- V. ACCEPTANCE OF MINUTES – JUNE 18, 2018

- VI. PUBLIC DIALOGUE SUMMARY

- VII. PUBLIC HEARINGS & VOTES ON ORDINANCES AND/OR RESOLUTIONS

A. Public Hearing – Multi-Purpose Recreation Fields Resolution

RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO THREE MILLION FOUR HUNDRED THOUSAND DOLLARS (\$3,400,000.00) FOR COSTS RELATED TO THE CONSTRUCTION OF MULTI-PURPOSE RECREATION FIELDS

- PRESENTATION
- CITY COUNCIL QUESTIONS
- PUBLIC HEARING SPEAKERS
- ADDITIONAL COUNCIL QUESTIONS AND DELIBERATION

(Proposed Motion – Move to adopt the Resolution, as presented)

(Proposed Motion – Move that on second reading and public hearing of the ordinance which passed first reading on June 18, 2018 regarding the petition for rezoning of 105 Bartlett Street the ordinance be separated into two (2) components and public hearings be held on each component independently as described in the comments from the City Manager contained in the agenda packet for this meeting)

B. Public Hearing – 105 Bartlett Street – Part 1.A.

PART 1.A. - ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE – PETITION FOR RE-ZONING OF 105 BARTLETT STREET: (PROPOSED CHARACTER DISTRICT 4-W)

- AMENDMENTS TO ARTICLE 4, SECTION 10.440 TABLE OF USES;
- AMENDMENT TO THE CHARACTER-BASED ZONING BUILDING PLACEMENT SECTION 10.5A42;
- AMENDMENTS TO THE CHARACTER-BASED ZONING INCENTIVE OVERLAY DISTRICT SECTION 10.5A46;

- AMENDMENTS TO THE CHARACTER-BASED ZONING REGULATION PLAN MAPS (MAPS 10.5A21A) TO CHANGE TAX MAP 157 LOTS 1 AND 2 FROM OFFICE RESEARCH (OR) TO CHARACTER DISTRICT 4 WEST END (CD4-W) AND A PORTION OF TAX MAP 164 LOT 4 FROM OR AND TRANSPORTATION CORRIDOR (TC) TO CD4-W AND CHARACTER DISTRICT 4 LIMITED 2 (CD4-L2);
- AMENDMENTS TO THE CHARACTER-BASED ZONING REGULATION PLAN MAPS (MAPS 10.5A21B) TO EXTEND THE WEST END OVERLAY DISTRICT AND ADD NEW BUILDING HEIGHT STANDARDS FOR TAX MAP 157 LOTS 1 AND 2 AND A PORTION OF TAX MAP 164 LOT 4;
- AMENDMENT TO ARTICLE 15 DEFINITIONS SECTION 10.1530
 - **PRESENTATION**
 - **CITY COUNCIL QUESTIONS**
 - **PUBLIC HEARING SPEAKERS**
 - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

(Proposed motion – move to pass second reading and schedule third and final reading at the August 6, 2018 City Council meeting, as amended)

Public Hearing – 105 Bartlett Street – Part 1.B.

PART 1.B. - ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE – PETITION FOR RE-ZONING OF 105 BARTLETT STREET (PROPOSED CHARACTER DISTRICT 4-L2)

- AMENDMENTS TO THE CHARACTER-BASED ZONING INCENTIVE OVERLAY DISTRICT SECTION 10.5A46;
- AMENDMENTS TO THE CHARACTER-BASED ZONING REGULATION PLAN MAPS (MAPS 10.5A21A) TO CHANGE A PORTION OF TAX MAP 164 LOT 4 OR AND TRANSPORTATION CORRIDOR (TC) TO CD4-L2; AND
- AMENDMENTS TO THE CHARACTER-BASED ZONING REGULATION PLAN MAPS (MAPS 10.5A21B) TO EXTEND THE WEST END OVERLAY DISTRICT AND ADD NEW BUILDING HEIGHT STANDARDS FOR A PORTION OF TAX MAP 164 LOT 4
 - **PRESENTATION**
 - **CITY COUNCIL QUESTIONS**
 - **PUBLIC HEARING SPEAKERS**
 - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

(Proposed motion – move to pass second reading and schedule third and final reading at the August 6, 2018 City Council meeting, as amended)

C. Public Hearing – 105 Bartlett Street – Part II

PART II. - ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE – PETITION FOR RE-ZONING OF 105 BARTLETT STREET (HOUSEKEEPING)

- AMENDMENTS TO CHARACTER-BASED ZONING DEVELOPMENT STANDARDS SECTION 10.5A41;
- AMENDMENTS TO CHARACTER-BASED ZONING BUILDING FORM AND FACADES SECTION 10.5A43;

- AMENDMENTS TO CHARACTER-BASED ZONING COMMUNITY SPACES SECTION 10.5A45;
- AMENDMENT TO CHARACTER-BASED ZONING INCENTIVE OVERLAY DISTRICTS SECTION 10.5A46
 - PRESENTATION
 - CITY COUNCIL QUESTIONS
 - PUBLIC HEARING SPEAKERS
 - ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS

(Proposed motion – move to pass second reading and schedule third and final reading at the August 6, 2018 City Council meeting, as amended)

D. First reading of Ordinance amending Chapter 7 – Parking Omnibus

VIII. APPROVAL OF GRANTS/DONATIONS

A. *Acceptance of Donation to the Coalition Legal Fund

- Town of Carroll - \$2,000.00

(Sample motion – move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund)

IX. CONSENT AGENDA

(ANTICIPATED ACTION - MOVE TO ADOPT CONSENT AGENDA)

A. Request for License to Install Projecting Sign from Sabrina Velandry, owner of Sloop for property located at 92 Pleasant Street (Unit 1A) ***(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)***

Planning Director's Stipulations:

- ***The license shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of projecting sign, for any reason, shall be done at no cost to the City; and***
- ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***

B. Request for License to Install Projecting Sign from Paul Barry, owner of One Day in July for property located at 10 Market Square ***(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)***

Planning Director's Stipulations:

- ***The license shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of projecting sign, for any reason, shall be done at no cost to the City; and***
- ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***

- C. Letter from Holly Tennent and Jylle Nevejans, Bottomline Technologies, requesting permission to hold a 5K Road Race on Sunday, September 23, 2018 at 10:00 a.m. ***(Sample motion – move to refer to the City Manager with power)***

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence ***(Sample motion – move to accept and place on file)***
- B. Letter from Elizabeth Bratter Re: 105 Bartlett Rezoning
- C. Letter from James Penfold requesting permission to hold the Electric Vehicle Show in Portsmouth on Sunday, September 9, 2018 from Noon – 4:00 p.m. the City Hall lower parking lots

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action:

1. Portsmouth Historical Society – Proposed Extension of Lease for Discover Portsmouth Center (10-30 Middle Street)
2. Request for Public Hearing's Re: Various Bonding Resolutions
3. Polling Hours for September 11, 2018 State Primary Election
4. Lease Re: AIDS Response Seacoast
5. City's Parking Lot Lease/Maintenance Agreement with the Portsmouth Housing Authority
6. Osprey Landing Water Tank Property
7. Disposal of 1986 Rescue Truck

City Manager's Informational Items:

1. Events Listing
2. Update Re: Parking Garage
3. News Release Re: City Receives State Approval for West End Economic Revitalization Zone (ERZ) Tax Credit Program
4. Update Re: International Recycling Markets and Portsmouth's Recycling Budget Impacts
5. Peirce Island Wastewater Treatment Facility Tour – Tuesday, July 24, 2018
6. Accepting Applications for Foundry Garage Monthly Leases
7. Report Back Re: Right-to-Know Requests
8. City Weed Control Program

B. MAYOR BLALOCK

1. Appointment to be Voted:
 - John Formella as a Regular Member to the Zoning Board of Adjustment
 - *Chase Hagaman as an Alternate Member to the Zoning Board of Adjustment
2. Resignation of Thaddeus (Ted) Jankowski from the Conservation Commission
3. Portsmouth Conference

C. COUNCILOR DWYER

1. *McIntyre Update

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT

**KELLI L. BARNABY, MMC, CMC, CNHMC
CITY CLERK**

** Indicates verbal report*

INFORMATIONAL ITEMS

1. Notification that the Planning Board Minutes from the May 17, 2018 meeting are now available on the City's website.

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, JUNE 18, 2018

PORTSMOUTH, NH
TIME: 7:00 PM

At 6:30 p.m., a Work Session was held regarding the 2018 Partial Update of Property Values.

I. CALL TO ORDER

Mayor Blalock called the meeting to order at 7:07 p.m.

II. ROLL CALL

PRESENT: Mayor Blalock, Assistant Mayor Lazenby, Councilors Roberts, Pearson, Dwyer, Denton, Perkins, Raynolds and Becksted

III. INVOCATION

Mayor Blalock asked everyone to join in a moment of silent prayer.

IV. PLEDGE OF ALLEGIANCE

Recreation Director Wilson led in the Pledge of Allegiance to the Flag.

Recognition of State Champions for Portsmouth High School

1. Boys Baseball Team

Mayor Blalock presented the players and coaches with plaques in recognition of the Boys Baseball Team for winning its second consecutive NH Division 2 State Championship and its 7th State Championship in the last 12 years. Coach Hopley thanked Mayor Blalock and the City Council for this honor.

2. Girls Lacrosse Team

Mayor Blalock presented the players and coaches with plaques in recognition of the Girls Lacrosse Team second undefeated regular season against Division 2 opponents and winning their 2nd consecutive State Championship. Assistance Coach Cole thanked Mayor Blalock and the City Council for this honor.

V. ACCEPTANCE OF MINUTES – JUNE 4, 2018

Assistant Mayor Lazenby moved to approve and accept the City Council minutes of the June 4, 2018 meeting. Seconded by Councilor Raynolds.

Councilor Dwyer said in the minutes under public dialogue discussion it mentions that City Hall has a filtered water system and asked City Manager Bohenko to address this matter. City Manager Bohenko stated that City Hall does not have a filtration water system.

Motion passed.

VI. PUBLIC COMMENT SESSION

Esther Kennedy said she attended the Coakley Landfill meeting and following the meeting a man came up to her and spoke regarding the migration of nitrogen in the Madbury Reservoir. She said a meeting was held the following day regarding this matter and she would like to know what took place and what is taking place at Madbury with the migration of water.

Rich Duddy spoke to the revaluation for FY19. He said many residents have no idea that this is taking place and requested that a notice be sent out to all taxpayers regarding this matter. He said values should be based on the square footage of your home.

Paige Trace said she brought forward that City Hall has a filtration water system and she was incorrect and apologizes. She said she is concerned with children in schools taking in PFAS and would like to see filtration systems put in place.

Assistant Mayor Lazenby announced that Saturday, June 21, 2018 is Pride Day and there will be a Walk from the Library to Prescott Park and encouraged people to attend.

VII. VOTES ON ORDINANCES AND/OR RESOLUTIONS

- A. First Reading of Ordinance amending Chapter 10 – Zoning Ordinance – Petition for Re-Zoning of 105 Bartlett Street:
- Amendments to Article 4, Section 10.440 Table of Uses;
 - Amendment to the Character-Based Zoning Building Placement Section 10.5A42;
 - Amendments to the Character-Based Zoning Incentive Overlay District Section 10.5A46;
 - Amendments to the Character-Based Zoning Regulation Plan maps (Maps 10.5A21A) to change Tax Map 157 Lots 1 and 2 from Office Research (OR) to Character District 4 West End (CD4-W) and a portion of Tax Map 164 Lot 4 from OR and Transportation Corridor (TC) to CD4-W and Character District 4 Limited 2 (CD4-L2);

- Amendments to the Character-Based Zoning Regulation Plan maps (Maps 10.5A21B) to extend the West End Overlay District and add new Building Height Standards for Tax Map 157 Lots 1 and 2 and a portion of Tax Map 164 Lot 4;
- Amendment to Article 15 Definitions Section 10.1530

Councilor Becksted recused himself from this matter and stepped down from the Dais.

Planning Director Walker provided a detailed overview of the Ordinance.

Mayor Blalock said that the City Council would like to have a site walk of the area. She said that could take place prior to the next City Council meeting. Mayor Blalock said he would work with City Manager Bohenko to schedule the site walk.

Planning Director Walker said this is a Character District which is different from a Form Based code approach. She spoke to the extension of the West End Overlay District. She spoke to the public hearing that was held over two meetings and the site walk completed by the Planning Board of the area. She reviewed the two ordinances before the City Council, one is simplifying some amendments and the second is for housekeeping amendments. She discussed the regulation of uses and public view corridors along the North Mill Pond. Planning Director Walker said the original proposal was to rezone the entire area but it has now been broken into two. She said the West End Overlay District also is dedicated for community space or affordable housing. She said the Planning Board recommends additionally changes to allow more foot print and a decrease in height to 9 feet. She addressed density and that the zoning map consist of 4 or 5 maps and different districts. She also spoke to regulations for outdoor cafes which is allowed and would require a Planning Board Conditional Use Permit. She went on to discuss Part 2 of the amendments which are related to a subdivision process that needs to take place for the project. She stated that there are layers that need to take place moving the zoning forward.

Mayor Blalock said the rezoning does not mean the project would be approved. Planning Director Walker said there needs to be a subdivision and there are constraints with wetlands and access limitations.

Councilor Dwyer said that this is a complex matter and suggested looking at sections one at a time. She would like to see a further breakdown and amend #1 by breaking it down further into two areas. She does not want to see this remain OR but the two parcels need to be looked at and talked about differently. She said we could pass first reading with a suggestions for a Part 1A and Part 1B.

Councilor Dwyer moved to pass first reading and split the Ordinance into two sections with Part 1. A. relating primarily to the proposed CD4-W District and Part 1.B. relating primarily to the proposed CD4-L2 District and schedule a public hearing and second reading for the July 9, 2018 City Council meeting on the proposed zoning amendments related to the request of clipper Traders, LLC for property located at 105 Bartlett Street. Seconded by Councilor Perkins.

Councilor Dwyer said there would be three separate public hearings.

Councilor Perkins said Part 1 is broken into two parts.

Mayor Blalock said there would be Public Hearing A.1. and Public Hearing A.2.

Assistant Mayor Lazenby said he would like to see public hearings with no second reading and bring the two parts back for first reading on July 9th.

Councilor Dwyer said no different information would be brought forward at second reading. She said we are giving people more opportunity than less.

Councilor Roberts said you will change the nature of CD 4. He said he would like to separate them.

Councilor Reynolds said he supports passing first reading this evening and holding the public hearing and second reading on July 9th.

Assistant Mayor Lazenby asked about the process to be followed.

City Attorney Sullivan said first reading of the Ordinance would pass this evening and at second reading there would be a division with second reading and public hearing on each option. He said the City Council could ask that decision be made at next reading.

Mayor Blalock said CD4-W would be the first part and CD4-L2 would be the second part.

Councilor Roberts said he would support Assistant Mayor Lazenby suggestion to have first reading at the next meeting.

Councilor Pearson said that she supports the motion and would like to ask questions during the site walk.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock said he does not feel we need to hold off on passing first reading this evening.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

On a roll call vote 6-2, motion passed. Councilors Pearson, Dwyer, Denton, Perkins, Raynolds and Mayor Blalock voted in favor. Assistant Mayor Lazenby and Councilor Roberts voted opposed. Councilor Becksted recused himself from voting.

- B. First reading of Ordinance amending Chapter 10 – Zoning Ordinance – Petition for Re-Zoning of 105 Bartlett Street:
- Amendments to Character-Based Zoning Development Standards Section 10.5A41;
 - Amendments to Character-Based Zoning Building Form and Facades Section 10.5A43;
 - Amendments to Character-Based Zoning Community Spaces Section 10.5A45;
 - Amendment to Character-Based Zoning Incentive Overlay Districts Section 10.5A46

Councilor Perkins moved to pass first reading and schedule a public hearing and second reading for the July 9, 2018 City Council meeting on the proposed zoning amendments related to incorporating building, façade, and community space types allowed in the Gateway Neighborhood Mixed Use Districts into the Character-Based Zoning districts and to clarify application of said types. Seconded by Councilor Raynolds and voted. Councilor Becksted recused himself from voting.

VIII. APPROVAL OF GRANTS/DONATIONS

(There are no items under this section of the agenda)

IX. CONSENT AGENDA

- A. Request for License to Install Projecting Sign from Joe Kelley, owner of Cup of Joes Coffee Bar for property located at 31 Market Street
(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)

Planning Director's Stipulations:

- ***The license shall be approved by the Legal Department as to content and form;***

- ***Any removal or relocation of projecting signs, for any reason, shall be done at no cost to the City; and***
- ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***

- B. Letter from Thomas Bringle, Arthritis Foundation, requesting permission to hold the 2018 Jingle Bell Run/Walk for Arthritis (***Anticipated action – move to refer to the City Manager with power***)

Councilor Denton moved to adopt the Consent Agenda. Seconded by Councilor Perkins and voted.

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence

Assistant Mayor Lazenby moved to accept and place the correspondence on file. Seconded by Councilor Perkins and voted.

- B. Letter from James Beal regarding Clipper Trader proposal of rezoning of 105 Bartlett Street

Councilor Perkins moved to accept and place on file. Seconded by Assistant Mayor Lazenby and voted.

- C. Letter from Elizabeth Bratter regarding Request for a sound level impact simulation of homes affected by the proposed rezoning of 105 Bartlett Street

Assistant Mayor Lazenby moved to accept and place on file. Seconded by Councilor Perkins and voted.

- D. Letter from Suzanne and Robert Ford regarding Request by New England Marine & Industrial (NEMI) to extend Gateway Zoning District

Councilor Perkins moved to accept and place on file. Seconded by Assistant Mayor Lazenby.

Councilor Perkins said she has not seen a request from NE Marine.

Planning Director Walker said there is nothing recently. She said that they would close the loop on it.

Councilor Perkins said this is an informational letter.

Motion passed.

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. 299 Vaughan Street Temporary Construction License

City Manager Bohenko said the layout of the area has been provided. He said the temporary license was calculated based on \$0.15 per square foot per day as defined in the City Council Policy. He stated each space is 160 square feet, which calculates to \$24 per space per day. He said for 4 spaces, 37 days the total credit is \$3,552.00 and as a result, the license fee has been reduced from \$17,871.00 to \$14,319.00. City Manager Bohenko stated there will be additional phases and would advise the City Council as the payments come forward.

Councilor Roberts moved that the City Manager be authorized to execute and accept the temporary construction license regarding 299 Vaughan Street as submitted. Seconded by Councilor Perkins and voted.

2. Letter from Pease Development Authority Re: Request for Approval and Acceptance of Maintenance of North Apron Road in accordance with Section 5.3 of the Municipal Services Agreement

Councilor Dwyer moved to approve and accept North Apron Road in accordance with Section 5.3 of the Municipal Services Agreement. Seconded by Councilor Perkins.

City Manager Bohenko said the PDA has provided Public Works Director Rice with a set of North Apron Road as-built drawings to aid in his assessment of the road conditions. He said the road would now be maintained by the City.

Councilor Roberts asked about the helicopter expansion development.

City Manager Bohenko said there is a public hearing on Thursday morning for the expansion of the helicopter business by the PDA. He spoke to working on the helicopter matter and said it is not unique to the City, there have been court fights all over the country. He said we have no authority to regulate helicopter flights.

Councilor Perkins said that this is a housekeeping matter.

Motion passed.

3. Water Line Easement Re: 1850 Woodbury Avenue

Councilor Pearson moved that the City Manager be authorized to negotiate, execute, deliver and record the easement deed regarding 1850 Woodbury Avenue, as presented. Seconded by Councilor Dwyer and voted.

4. Request for First Reading Re: Parking Omnibus

City Manager Bohenko said that Parking & Transportation Engineer Eby will speak to the annual Omnibus Ordinance changes.

Mr. Eby said this covers items voted on over the last year as pilot programs by Parking and Traffic Safety Committee on parking matters.

Councilor Perkins moved to schedule first reading of the proposed Parking Omnibus Ordinance for the July 9, 2018 City Council meeting, as presented. Seconded by Assistant Mayor Lazenby and voted.

City Manager's Informational Items

3. Dondero School Nature Playground

City Manager Bohenko announced that a third of the costs for the Nature Playground will come from fundraising by the Dondero School Parent Teacher Association.

2. Report Back Re: Bicycle Friendly and Walkable Community Designation

Planning Director Walker said we received the Bicycle Friendly Community – Bronze Level in 2015 and that designation is good until 2019. She reported that we have made progress and could move up and gain Silver status. She spoke to working on the Walkable Community Designation and reported there are five tiers for recognition, ranging from Honorable Mention to Platinum. She spoke to the self-assessment tool to help collect all of the data from different departments. She stated that we are planning to submit a Walkable Communities application for the December 15th deadline.

Councilor Reynolds requested a report back regarding what it would take the City to achieve 45% for Arterial Streets with Bike Lanes and 30% for total Bicycle Network Mileage to total Road Network Mileage and gain silver status as a Bicycle Friendly Community.

Planning Director Walker spoke to the department working on the Bike/Pedestrian Program. Councilor Roberts said he would like to hear more information on the Bike/Pedestrian Program.

5. Report Back Re: Recovery of Costs of Public Records

Councilor Perkins said would like to refer this to the Legislative Subcommittee. She said she would like us to brainstorm on this as it is a significant cost to taxpayers.

Councilor Dwyer said there are attempts to try and recover costs and the legislature is always divided on this issue. She said if we wanted to bring it up again it would be the middle of July to introduce anything on the floor.

City Manager Bohenko said he would speak with Assistant City Attorney Ferrini and put it on our list of items to bring forward.

Councilor Roberts requested a report back on the number of requests we have received and how much it costs to put the materials together.

Councilor Pearson requested to know how many people pick up the information that has been prepared.

Councilor Reynolds requested to know who have made the requests for materials.

B. MAYOR BLALOCK

1. Appointments to be Considered:
 - John Formella as a Regular Member to the Zoning Board of Adjustment
 - Chase Hagaman as an Alternate member to the Zoning Board of Adjustment

The City Council considered the appointments which will be voted on at the next City Council meeting.

Councilor Becksted requested to receive an updated application from John Formella for the next City Council meeting.

2. Appointment to be Voted:
 - Michael Griffin to the Trees & Greenery Committee

Councilor Denton moved to appoint Michael Griffin to the Trees & Greenery Committee. Seconded by Councilor Perkins and voted.

C. COUNCILOR ROBERTS

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the June 7, 2018 meeting

Councilor Roberts moved to approve and accept the action sheet and minutes of the June 7, 2018 Parking and Traffic Safety Committee meeting. Seconded by Councilor Perkins and voted.

D. COUNCILOR DWYER

1. McIntyre Project Update

Councilor Dwyer said that this is a little blip in the process which seems like a setback. She said Red Gate/Kane is looking towards next steps. She said the City and Red Gate/Kane want the post office to remain on site. She said we all need to be working together. She said the Historic preservation concern is about keeping a one story building at the site and not the post office. She said the deadline we were trying to reach of July 9th will not be met. Councilor Dwyer said profit is controlled by the National Park Service and everyone is moving forward with a cooperative process.

Deputy City Manager Colbert Puff said we were surprised and were loath to call off the Historic District Commission meeting. She said we had been working hand and hand with the Park Service.

Councilor Becksted asked if there is a new real date. Deputy City Manager Colbert Puff said we continue to take the information from last week and turn it around with the Park Service. She said part of the approach would be to formally outline the design and go step by step. Councilor Becksted asked if the consultant was surprised. Deputy City Manager Colbert Puff said yes.

Deputy City Manager Colbert Puff said the term kiosk for the post office was a mistake by Red Gate/Kane. She said it may be difficult for the post office to work within a construction site.

Mayor Blalock said the Subcommittee will remain in place to follow the process. He said we still remain in urgency to get the process moving.

Deputy City Manager Colbert Puff said there is a back and forth with the application process but there will be better communication with them and the City Council.

Councilor Becksted said once the application is in there is not much back and forth. Deputy City Manager Colbert Puff said once the application is submitted the City is guaranteeing to take over the property but we expect the Park Service would ask for more information and a back and forth. She said the application is the final form and it becomes part of the property deed.

Councilor Roberts said is the post office prepared to pay premium rent. Deputy City Manager Colbert Puff said the post office pays market rate now to the GSA.

Assistant Mayor Lazenby asked if we are clear what the perimeters are with the Parks Service. Deputy City Manager Colbert Puff said we are working on meeting the requirements of the Secretary of Interior.

Councilor Dwyer said the Parks Service could still change their mind.

Councilor Perkins said we will work through this.

E. COUNCILOR DENTON

1. Renewable Energy Credits

Councilor Denton moved for a FY20 budget document presented to the City Council to contain cost estimates to purchase Renewable Energy Credits (RECs) under the upcoming electricity contract. Seconded by Councilor Perkins.

Councilor Denton said passing the motion does not commit the City Council to spending funds. He said the City's current contract expires October 1, 2019. He said the market fluctuates and there is no way to know what it would cost. He stated we would still get the same electricity by purchasing RECs.

Councilor Perkins said she supports the motion and said it is an interesting way to get to net zero.

Motion passed.

F. COUNCILOR PERKINS

1. Legislative Committee – Housing Policy referral

Councilor Perkins said she would like to see a Housing Policy referral and would discuss this matter with Mayor Blalock.

Councilor Dwyer said we would need to move this forward in a timely manner.

Councilor Perkins moved to have a Housing Policy referral to the Legislative Subcommittee. Seconded by Councilor Denton.

Councilor Perkins said if it makes sense to wait until you are holding a meeting with the Legislative Delegation that is fine.

Councilor Dwyer said if we want this to be something that the House considers the timing moves very quickly.

Councilor Perkins said she viewed this as a document for guiding Portsmouth for legislation that is already in process.

Motion passed.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Becksted suggested that a mailer be sent to property owners notifying them of the 2018 Update of Property Values.

Councilor Becksted requested a report back on the details of a meeting held on June 8, 2018 regarding the Madbury Superfund Site.

Assistant Mayor Lazenby announced that the EPA is holding a PFAS meeting at Exeter High School on Monday, June 25th from 4:30 p.m. to 10:00 p.m. with a Work Session to follow on Tuesday, June 26th.

XIII. ADJOURNMENT

At 9:20 p.m., Assistant Mayor Lazenby moved to adjourn. Seconded by Councilor Perkins and voted.



KELLI L. BARNABY, MMC, CMC, CNHMC
CITY CLERK

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, July 9, 2018 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution Authorizing a Bond Issue and/or Notes of up to Three Million Four Hundred Thousand Dollars (\$3,400,000.00) for Costs related to the Construction of Multi-Purpose Recreation Fields. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, July 9, 2018 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution Authorizing a Bond Issue and/or Notes of up to Three Million Four Hundred Thousand Dollars (\$3,400,000.00) for Costs related to the Construction of Multi-Purpose Recreation Fields. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk

PM0037006C

**CITY OF PORTSMOUTH
TWO THOUSAND EIGHTEEN
PORTSMOUTH, NEW HAMPSHIRE**

RESOLUTION # – 2018

**A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR
NOTES OF UP TO THREE MILLION FOUR HUNDRED
THOUSAND DOLLARS (\$3,400,000) FOR COSTS RELATED TO
THE CONSTRUCTION OF MULTI-PURPOSE RECREATION
FIELDS.**

RESOLVED:

THAT, the sum of up to **Three Million Four Hundred Thousand Dollars (\$3,400,000)** is appropriated for costs related to the construction of multi-purpose recreation fields;

THAT, to meet this appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow, on a competitive or negotiated basis, up to **Three Million Four Hundred Thousand Dollars (\$3,400,000)** through the issuance of bonds and/or notes of the City under the Municipal Finance Act;

THAT, the expected useful life of the projects is determined to be at least twenty (20) years, and;

THAT, this Resolution shall take effect upon its passage.

APPROVED:

JACK BLALOCK, MAYOR

ADOPTED BY CITY COUNCIL

**KELLI BARNABY, CMC/CNHMC
CITY CLERK**



MEMORANDUM

TO: JOHN P. BOHENKO, CITY MANAGER
FROM: JULIET T.H. WALKER, PLANNING DIRECTOR *JTW*
SUBJECT: SECOND READING OF CLIPPER TRADERS, LLC PETITION FOR RE-ZONING OF 105 BARTLETT ST
DATE: 07/02/2018

At the June 18, 2018 meeting, City Council voted to pass first reading and schedule a second reading and public hearing of these zoning amendments. The Council also discussed splitting Part 1 into two parts, one relating primarily to the proposed CD4-W District and the other relating primarily to the CD4-L2 district.

Proposed Zoning Ordinance Amendments Part 1a (for portion of property proposed as Character District 4-W)

Amendments to Table of Uses (Section 10.440)

- 1) Change Indoor Performance Facility with occupancy of less than 500 to be allowed by Special Exception in the CD4-W District. A Special Exception is granted by the Zoning Board of Adjustment. This use is currently permitted by right (no additional land use board approvals required).
- 2) Add a new use category for an outdoor café to be allowed as an accessory to an existing eating or drinking establishment in certain districts. This use is currently not listed separately on the table of uses and therefore is allowed wherever a restaurant type use is allowed. The outdoor café accessory use would now be permitted in the CD4, CD5, GB, G1 and G2 Districts but would be allowed only after receiving a conditional use permit from the Planning Board in the CD4-L2, B, and CD4-W Districts.

Amendments to the Character Districts Regulation Plan maps (Maps 10.5A21A & B)

- 1) Amend the zoning map to re-zone a portion of the 105 Bartlett St property to CD-4W extending from the existing CD-4W boundary to approximately Cabot Street. All of this area would also be included in the West End Overlay District.
- 2) Amend the height requirement areas to provide a transition in height that is more appropriate for the abutting residential neighborhoods. As revised, the portion of the property in the existing CD-4W district would be in the 2-3 Stories (45') height requirement area, the portion extending between the existing CD-4W boundary to a line approximately parallel with Salem St would be in the 2-3 Stories (40') height area, and the remaining portion of the proposed CD-4W district between Salem St and Cabot St would be in the 2 Stories (35') height area.

Amendments to Development Standards for Character Districts (10.5A42.40)

- 1) Add a requirement to preserve public view corridors along the North Mill Pond at the intersecting streets of Dover and Cabot.

Amendments to Incentive Overlay District Standards (10.5A46)

- 1) Amend the minimum off-street parking standards to be consistent with the city-wide off-street parking standards adopted at the end of 2017.
- 2) Reduce the minimum ground-story height to 9' in the West End Overlay District.
- 3) Amend the requirements for community space in the Incentive Overlay District for lots adjacent to the North Mill Pond by clarifying that a minimum of 20% of land area is required to be community space and to specify the location of the required multi-use path.

Amendment to Article 15 Definitions

- 1) Amend the definition of building block length to also be applicable when the building fronts on a public greenway.

Proposed Zoning Ordinance Amendments Part 1b (for portion of property proposed as Character District 4-L2)

Amendments to the Character Districts Regulation Plan maps (Maps 10.5A21A & B)

- 1) Amend the zoning map to re-zone a portion of the 105 Bartlett St property to CD4-L2 between Cabot Street and Langdon Street to CD-4L2. All of this area would also be included in the West End Overlay District.
- 2) Amend the height requirement areas for the portion from Cabot St to Langdon St to be in the 1-Story (20') height area.

Amendments to Incentive Overlay District Standards (10.5A46)

- 1) Amend the incentive standards in the North End and West End Incentive Overlay Districts to allow a maximum building footprint of 3,500 in the CD4-L2 (increased from 2,500), allow a maximum building block length of 100 ft in the CD4-L2.

Proposed Zoning Ordinance Amendment Part 2

Amendments to Development Standards for Character Districts

- 1) Add additional permitted building, façade, and community space types to the Character Districts and refine definitions. These are primarily housekeeping revisions to allow some of the new building and façade types added to the zoning for the Gateway Neighborhood Mixed Use amendments at the end of 2017 in the Character Districts.
- 2) Add requirement for provision of a shopfront liner building where ground floor parking is proposed for a building that fronts on a public street

Reference Documents

Eight documents are attached to this memo that illustrate the proposed zoning amendments as revised.

- 1) Draft dated July 9, 2018 listing the Proposed Ordinance #1A in the format this will be adopted and recorded with the City Clerk if it passes third and final reading.

- 2) Marked-up copy of the Zoning Ordinance with red-lined changes for the sections in Chapters 4, 5A, and 15 for amendments proposed in Ordinance #1A.
- 3) Proposed Zoning Maps (10.5A21A and B) Amendment for 105 Bartlett Street and the North Mill Pond revised 6-26-18 for Proposed Ordinance #1A.
- 4) Draft dated July 9, 2018 listing the Proposed Ordinance #1B in the format this will be adopted and recorded with the City Clerk if it passes third and final reading.
- 5) Marked-up copy of the Zoning Ordinance with red-lined changes for the sections in Chapter 5A for amendments proposed in Ordinance #1B.
- 6) Proposed Zoning Maps (10.5A21A and B) Amendment for 105 Bartlett Street and the North Mill Pond revised 6-26-18 for Proposed Ordinance #1B.
- 7) Draft dated July 9, 2018 listing the Proposed Ordinance #2 in the format this will be adopted and recorded with the City Clerk if it passes third and final reading.
- 8) Marked-up copy of the Zoning Ordinance with red-lined changes for the sections in Chapters 5A for amendments proposed in Ordinance #2.

Additional Revisions to Proposed Amendments

Planning Department staff has received requests to modify the zoning to address specific issues raised by abutters to this property. I will provide a brief summary of the issues raised and some potential revisions to the zoning at the Council presentation on July 9th. However, if the Council decides to consider additional revisions, we recommend that the Council continue the second reading to a future City Council meeting in order for the proposed amendments to be properly noticed and advertised.

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, July 9, 2018 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 10 – Zoning Ordinance – Petition for Re-Zoning of 105 Bartlett Street:

- Amendments to Article 4, Section 10.440 Table of Uses;
- Amendments to the Character-Based Zoning Building Placement Section 10.5A42;
- Amendments to the Character-Based Zoning Incentive overlay District Section 10.5A46;
- Amendments to the Character-Based Zoning Regulation Plan maps (Maps 10.5A21A) to change Tax Map 157 Lots 1 and 2 from Office Research (OR) to Character District 4 West End (CD4-W) and a portion of Tax Map 164 Lot 4 from OR and Transportation Corridor (TC) to CD4-W and Character District 4 Limited 2 (CD4-L2);
- Amendments to the Character-Based Zoning Regulation Plan Maps (Maps 10.5A21B) to extend the West End Overlay District and add new Building Height Standards for Tax Map 157 Lots 1 and 2 and a portion of Tax Map 164 Lot 4;
- Amendment to Article 15 Definitions Section 10.1530

The City Council has indicated that it may address this proposed ordinance by separating it into component elements and holding the public hearing on each element individually.

The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, July 9, 2018 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 10 – Zoning Ordinance – Petition for Re-Zoning of 105 Bartlett Street:

- Amendments to Article 4, Section 10.440 Table of Uses;
- Amendments to the Character-Based Zoning Building Placement Section 10.5A42;
- Amendments to the Character-Based Zoning Incentive overlay District Section 10.5A46;
- Amendments to the Character-Based Zoning Regulation Plan maps (Maps 10.5A21A) to change Tax Map 157 Lots 1 and 2 from Office Research (OR) to Character District 4 West End (CD4-W) and a portion of Tax Map 164 Lot 4 from OR and Transportation Corridor (TC) to CD4-W and Character District 4 Limited 2 (CD4-L2);
- Amendments to the Character-Based Zoning Regulation Plan Maps (Maps 10.5A21B) to extend the West End Overlay District and add new Building Height Standards for Tax Map 157 Lots 1 and 2 and a portion of Tax Map 164 Lot 4;
- Amendment to Article 15 Definitions Section 10.1530

The City Council has indicated that it may address this proposed ordinance by separating it into component elements and holding the public hearing on each element individually.

The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk

PH-000-06332

Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, be amended as follows:

A. Amend Article 4 Zoning Districts and Use Regulations – Section 10.440 Table of Uses – Residential, Mixed Residential, Business, and Industrial Districts, as follows:

(1) Change Use #3.512 Indoor performance facility with occupancy less than 500 to be allowed by Special Exception (S) in the Business (B) and Character 4W (CD4-W) Districts.

(2) Under use category 19 (Accessory Uses) Insert new use #19.50 as follows:

“19.50 Outdoor dining or drinking area, as accessory to a permitted principal use” as permitted (P) in CD5, CD4, GB, G1, and G2 and allowed by conditional use permit (CUP) in CD4-L2, B, and CD4-W. In all other districts this use would be prohibited.

B. Amend Article 5A Character Based Zoning – Section 10.5A42 Building Placement by inserting a new section as follows:

10.5A42.40 North Mill Pond Public View Corridors

All new buildings or structures located within 400’ of the North Mill Pond shall be located in such a way as to maintain existing public views with a terminal vista of the North Mill Pond from the intersecting streets of Dover Street and Cabot Street. Except for existing obstructions, the public view corridor shall be maintained for a minimum width of the existing public right-of-way of the nearest intersecting street as listed above.

C. Amend the Table in Section 10.5A46.10 Incentives to Development Standards as follows (deletions to existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

DEVELOPMENT STANDARDS	INCENTIVES	
	North End Incentive Overlay District	West End Incentive Overlay District
Maximum building coverage	No Change	80%
Maximum building footprint	30,000 sf	30,000 sf
Minimum lot area	No Change	2,000 sf

DEVELOPMENT STANDARDS	INCENTIVES	
	North End Incentive Overlay District	West End Incentive Overlay District
Minimum lot area per dwelling unit	No Change	No minimum
Maximum building height	Plus 1 story up to 10 ft ^{3,+}	Plus 1 story up to 10 ft ^{1,2}
Minimum ground story height	No Change	9 feet
Minimum off-street parking	No Change Residential: 1 space per dwelling unit 0.5 space per micro-unit	Residential: 1 space per dwelling unit 0.5 space per micro-unit Non-residential: 25% reduction from underlying standard

¹ In order to receive the building height incentive, the sidewalk width in front of any façade shall be at least 10 feet plus two feet for each story of building height above three stories. Any property area needed to comply with this requirement shall count as open space as ~~listed~~**required** in Figures 10.5A41.10A-D (Development Standards) **and** as community space; even if less than 15 feet in width.

² For parcels over 80,000 sq. ft. in area that are located south of Islington Street, up to two stories or 20 feet may be added to the maximum building height provided both requirements listed under Section 10.5A46.22 (1) and (2) are met.

D. Amend Section 10.5A46.20 Requirements to Receive Incentives to the Development Standards as follows (deletions to existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

10.5A46.21 For a lot located adjacent to, or within 100 feet of, North Mill Pond, Hodgson Brook or the Piscataqua River, the development shall ~~include~~ **provide** community space ~~consisting of~~ **equal to 20% of the lot area that includes** a continuous public greenway at least 20 feet in width **with a multi-use path and** that is parallel to **and located within 50 feet of** the waterfront ~~for the entire length of the rear or side lot line~~. **Trail connections to abutting streets and sidewalks shall be provided and there shall be no buildings between the waterfront and the greenway unless otherwise approved by the Planning Board.** The greenway shall include legal and physical access to abutting lots or public ways. When access is not available due to current conditions on an abutting lot, provisions shall be made for future access in a location determined by the Planning Board.

E. Amend Article 15 – Definitions, Section 10.1530 – Terms of General Applicability, as follows:

(1) In the definition of building block length revised as follows (deletions to existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

Measured along a street-~~or~~, public way, **or public greenway**, the building block length shall be the total length of a continuous building façade regardless of fire separation, common walls, or property lines. Individual building blocks shall be separated by open space or community space areas of at least 15 feet in width.

F. Amend Map 10.5A21A Character Districts and Civic Districts as set forth in document titled “Proposed Amendment for 105 Bartlett St Part 1A Zoning Map 10.5A21A Character Districts and Civic Districts” revised 6-26-18.

G. Amend Map 10.5A21B Building Height Standards as set forth in document titled “Proposed Amendment for 105 Bartlett St Part 1A Zoning Map 10.5A21B Building Height Standards” revised 6-26-18

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

P = Permitted S = Special Exception CU = Conditional Use Permit N = Prohibited

Use	R	SRA SRB	GRA GRB	GRC (A)	GA/ MH	MRO CD4- L1	CD4- L2	MRB	CD5 CD4	GB	G1	G2	B CD4- W	WB	OR	I	WI	Supplemental Regulations
3. Educational, Religious, Charitable, Cultural and Public Uses																		
3.10 Place of assembly																		
3.11 Religious	S	S	S	N	N	S	S	S	S	S	S	S	S	N	N	N	N	
3.12 Other nonprofit	N	N	N	N	N	S	S	S	S	S	S	S	S	N	N	N	N	
3.20 School																		
3.21 Primary or secondary	N	N	N	N	N	S	S	P	P	P	S	S	P	P	N	N	N	
3.30 Post-secondary	N	N	N	N	N	S	S	P	P	P	S	S	P	N	P	P	N	
3.30 Historic preservation building	S	S	S	S	S	P	P	P	P	P	P	P	P	N	P	N	N	10.821 (Historic Preservation Buildings and Museums)
3.40 Museum	N	N	N	N	N	P	P	N	P	P	S	S	P	N	P	N	N	10.821 (Historic Preservation Buildings and Museums)
3.50 Performance facility																		
3.51 Indoor performance facility																		
3.511 Occupancy up to 500 persons	N	N	N	N	N	N	N	N	P	P	S	S	PS	N	N	N	N	10.592 (location) 10.860 (hours of operation)
3.512 Occupancy more than 500	N	N	N	N	N	N	N	N	S	P	N	N	N	N	N	N	N	
3.52 Outdoor performance facility																		
3.521 Occupancy up to 500 persons	N	N	N	N	N	N	N	N	S	S	S	S	N	N	N	N	N	10.592 (location) 10.822 (yards) 10.860 (hours of operation)
3.522 Occupancy more than 500	N	N	N	N	N	N	N	N	S	S	N	N	N	N	N	N	N	

P = Permitted S = Special Exception CU = Conditional Use Permit N = Prohibited

Use	R	SRA SRB	GRA GRB	GRC (A)	GA/ MH	MRO CD4- L1	CD4- L2	MRB	CD5 CD4	GB	G1	G2	B CD4- W	WB	OR	I	WI	Supplemental Regulations
19.40 Drive-through facility, as accessory use to a permitted principal use	N	N	N	N	N	N	N	N	N	CU	CU	N	CU	N	CU	N	N	10.835 (accessory drive-through uses)
<u>19.50 Outdoor dining or drinking area, as accessory to a permitted principal use</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>CU</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>CU</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
20. Accessory Storage																		
20.10 Indoor storage of motor vehicles or boats as an accessory use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
20.20 Outdoor storage of registered motor vehicles owned by residents of the premises or business. Such vehicles may include only one commercial vehicle, which shall be limited to no more than 2 axles and 6 wheels.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
20.30 Outdoor storage for not more than 9 consecutive months of boats owned by residents of the property:																		
20.31 Not more than one motorboat or sailboat longer than 12 feet	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
20.32 Any number of (a) motorboats or sailboats up to 12 feet in length, or (b) hand-powered craft (canoes and kayaks) without restriction as to length	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

10.5A42 Building Placement

10.5A42.10 Yards

10.5A42.11 Yards shall be as required in Figures 10.5A41.10A-D (Development Standards).

10.5A42.12 Yards may be increased above the maximum permitted for truncated corners or other subtractive massing techniques, alleys, vehicular accessways, increased sidewalk width or community spaces.

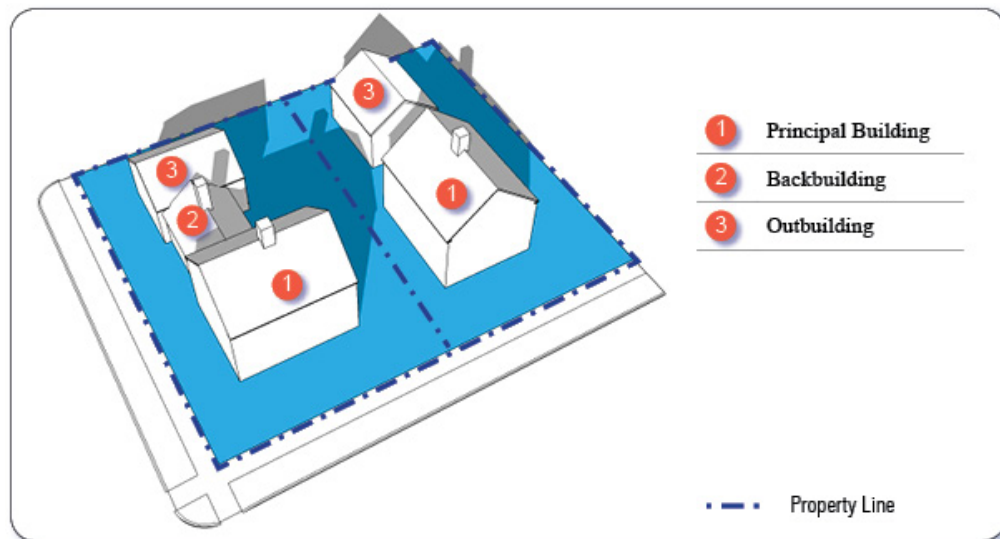
10.5A42.20 Façade Alignment

The façade facing the principal front yard shall be parallel to the front lot line. Where the front lot line is curved, the façade shall be parallel to a straight line connecting the points of intersection of the front lot line and the side lot lines.

10.5A42.30 Outbuildings and Backbuildings

A detached outbuilding, or an outbuilding attached to a principal building with a backbuilding, may be built on each lot to the rear of the principal building, as illustrated generally in Figure 10.5A42.10 (Principal Building/Backbuilding/Outbuilding).

FIGURE 10.5A42.10 PRINCIPAL BUILDING/BACKBUILDING/ OUTBUILDING



10.5A42.40 North Mill Pond Public View Corridors

All new buildings or structures located within 400' of the North Mill Pond shall be located in such a way as to maintain existing public views with a terminal vista of the North Mill Pond from the intersecting streets of Dover Street and Cabot Street. Except for existing obstructions, the public view corridor shall be maintained for a minimum width of the existing public right-of-way of the nearest intersecting street as listed above.

10.5A46 Incentive Overlay Districts

The Incentive Overlay Districts are designated on Map 10.5A21B. In such areas, certain specified development standards may be modified as set forth in Section 10.5A46.10 below, if the development provides community space or workforce housing in accordance with Section 10.5A46.20, as applicable:

10.5A46.10 Incentives to Development Standards

DEVELOPMENT STANDARDS	INCENTIVES	
	North End Incentive Overlay District	West End Incentive Overlay District
Maximum building coverage	No Change	80%
Maximum building footprint	30,000 sf	30,000 sf
Minimum lot area	No Change	2,000 sf
Minimum lot area per dwelling unit	No Change	No minimum
Maximum building height	Plus 1 story up to 10 ft ¹	Plus 1 story up to 10 ft ^{1,2}
<u>Minimum ground story height</u>	<u>No Change</u>	<u>9 feet</u>
Minimum off-street parking	<u>No Change</u> Residential: 1 space per dwelling unit 0.5 space per micro-unit	Residential: 1 space per dwelling unit 0.5 space per micro-unit Non-residential: 25% reduction from underlying standard

¹ In order to receive the building height incentive, the sidewalk width in front of any façade shall be at least 10 feet plus two feet for each story of building height above three stories. Any property area needed to comply with this requirement shall count as open space as ~~listed required~~ in Figures 10.5A41.10A-D (Development Standards) and as community space; even if less than 15 feet in width.

² For parcels over 80,000 sq. ft. in area that are located south of Islington Street, up to two stories or 20 feet may be added to the maximum building height provided both requirements listed under Section 10.5A46.22 (1) and (2) are met.

10.5A46.20 Requirements to Receive Incentives to the Development Standards

10.5A46.21 For a lot located adjacent to, or within 100 feet of, North Mill Pond, Hodgson Brook or the Piscataqua River, the development shall ~~include~~ provide community space ~~consisting of equal to 20% of the lot area that includes~~ a continuous public greenway at least 20 feet in width with a multi-use path and that is parallel and located within 50 feet of the waterfront ~~for the entire length of the rear or side lot line.~~ Trail

connections to abutting street(s) and sidewalks shall be provided and
There shall be no buildings between the waterfront and the greenway
unless otherwise approved by the Planning Board. The greenway shall include legal and physical access to abutting lots or public ways. When access is not available due to current conditions on an abutting lot, provisions shall be made for future access in a location determined by the Planning Board.

10.5A46.22 For a lot that is more than 100 feet from North Mill Pond, Hodgson Brook or the Piscataqua River, the development shall include either a community space or workforce housing as specified below:

(1) Community space option – All of the following criteria shall be met:

- (a) The community space shall be a community space type that is permitted within the applicable Character district.
- (b) The community space shall constitute at least 20% of the gross area of the lot and shall not have any dimension less than 15 feet.
- (c) The community space shall adjoin the public sidewalk and shall be open on one or more sides to the sidewalk.
- (d) The community space shall include trees and other landscaping to provide shade and reduce noise, and pedestrian amenities such as overlooks, benches, lighting and other street furniture.
- (e) The community space shall be located on or adjacent to the same lot as the development, except as provided in (f) below.
- (f) The Planning Board may grant a conditional use permit to allow a proposed community space to be located on a different lot than the development if it finds that all of the following criteria will be met:
 - (i) An appropriate community space cannot feasibly be provided on the same lot as the development.
 - (ii) The proposed community space is within the same Incentive Overlay District as the development.
 - (iii) The proposed community space is suited to the scale, density, uses and character of the surrounding properties.

(2) Workforce housing option – One or more of the following criteria shall be met:

- (a) At least 30% of the dwelling units within a building, but no less than three units, shall be workforce housing units for sale (affordable to a household with an income of no more than 100 percent of the area median income for a 4-person household). Such units shall be at least the average gross floor area of the proposed units in the building or 1,000 sq. ft., whichever is greater. The workforce housing units shall be distributed throughout the building wherever dwelling units are located; or

Building

Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals or chattel. Each portion of a building separated either horizontally or vertically from other portions by a fire wall shall be considered as a separate structure. (See also: structure.)

Building block length

Measured along a street ~~or~~, public way, or public greenway, the building block length shall be the total length of a continuous building façade regardless of fire separation, common walls, or property lines. Individual building blocks shall be separated by open space or community space areas of at least 15 feet in width.

Building Code

The International Building Code and/or the International Residential Code, as applicable to the particular structure type.

International Building Code (IBC)

The International Building Code, published by the International Code Council, Inc., as adopted with amendments, additions and deletions as Chapter 12, Part I, of the Ordinances of the City of Portsmouth, and as amended from time to time by the City.

International Residential Code (IRC)

The International Residential Code, published by the International Code Council, Inc., as adopted with amendments, additions and deletions as Chapter 12, Part II, of the Ordinances of the City of Portsmouth, and as amended from time to time by the City.

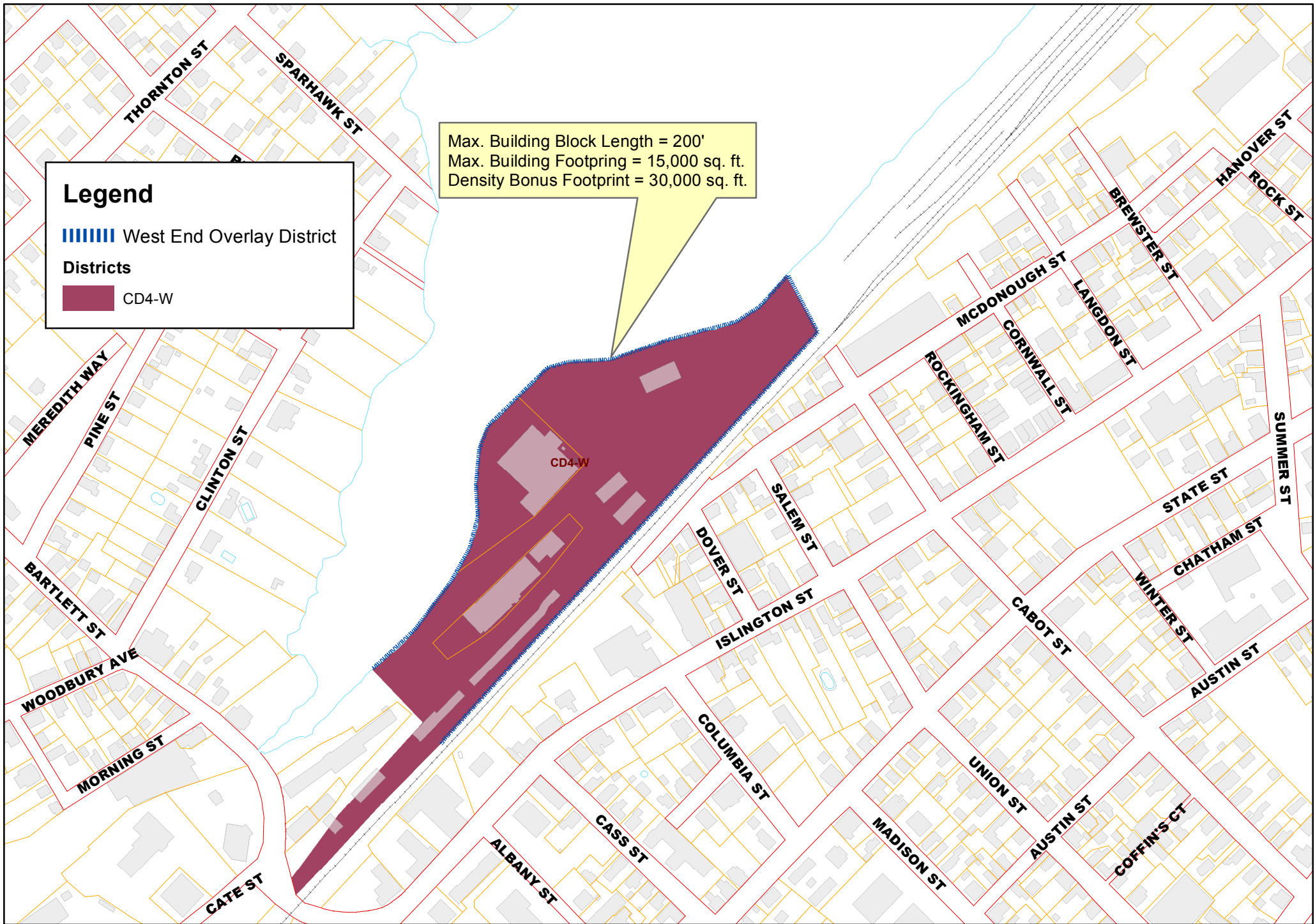
Building coverage

The aggregate horizontal area or percentage (depending on context) of a lot or development site covered by all buildings and structures on the lot, excluding

- (a) gutters, cornices and eaves projecting not more than 30 inches from a vertical wall, and
- (b) structures less than 18 inches above ground level (such as decks and patios);
- (c) balconies, bay windows or awnings projecting not more than 2 feet from a vertical wall, not exceeding 4 feet in width, and cumulatively not exceeding 50% of the width of the building face;
- (d) fences; and
- (e) mechanical system (i.e. HVAC, power generator, etc.) that is less than 36 inches above the ground level with a mounting pad not exceeding 10 square feet.

Building footprint

The total area at or above 18 inches in elevation as measured from the outside walls at the grade plane of a detached building, or of two or more buildings separated only by fire walls, common walls or property lines.



Legend

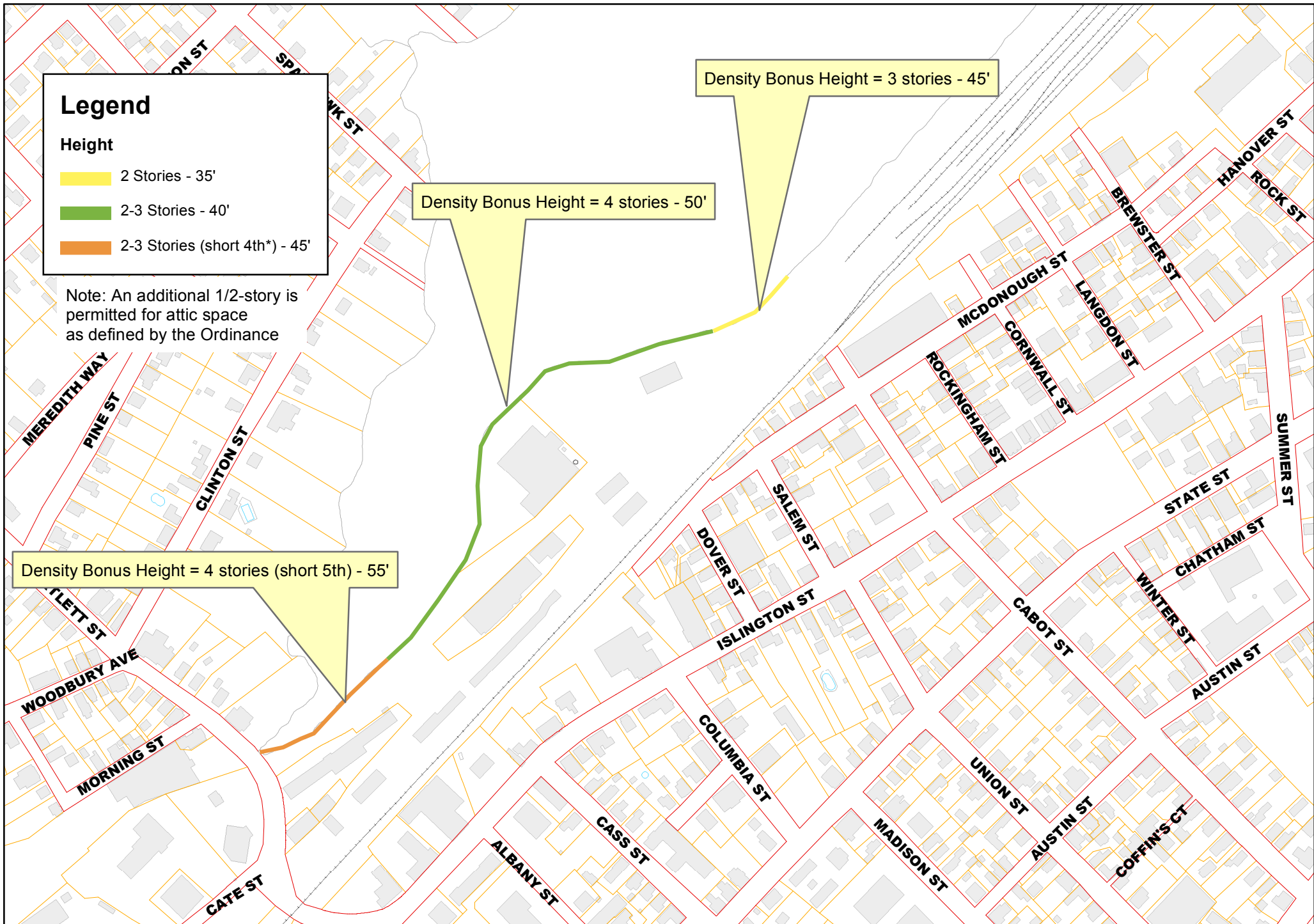
West End Overlay District

Districts

CD4-W

Max. Building Block Length = 200'
 Max. Building Footprint = 15,000 sq. ft.
 Density Bonus Footprint = 30,000 sq. ft.

Proposed Amendment for 105 Bartlett Street Part 1A
Zoning Map 10.5A21A Character Districts and Civic Districts



Legend

Height

- 2 Stories - 35'
- 2-3 Stories - 40'
- 2-3 Stories (short 4th*) - 45'

Density Bonus Height = 3 stories - 45'

Density Bonus Height = 4 stories - 50'

Note: An additional 1/2-story is permitted for attic space as defined by the Ordinance

Density Bonus Height = 4 stories (short 5th) - 55'

**Proposed Amendment for 105 Bartlett Street Part 1A
Zoning Map 10.5A21B Building Height Standards**

Proposed 105 Bartlett St Zoning Amendments Part 1B

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, be amended as follows:

- A. Amend the Table in Section 10.5A46.10 Incentives to Development Standards as follows (deletions to existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

DEVELOPMENT STANDARDS	INCENTIVES	
	North End Incentive Overlay District	West End Incentive Overlay District
Maximum building coverage	No Change	80%
Maximum building footprint	30,000 sf	30,000 sf ¹
Maximum building block length	No Change	No Change²
Minimum lot area	No Change	2,000 sf
Minimum lot area per dwelling unit	No Change	No minimum
Maximum building height	Plus 1 story up to 10 ft ^{3,4}	Plus 1 story up to 10 ft ^{3,4,1,2}
Minimum ground story height	No Change	9 feet
Minimum off-street parking	No Change	Non-residential: 25% reduction from underlying standard

¹ **Except for CD4-L2 where the maximum building footprint shall be 3,500 SF.**

² **Except for CD4-L2 where the maximum building block length shall be 100 feet.**

^{3,4} In order to receive the building height incentive, the sidewalk width in front of any façade shall be at least 10 feet plus two feet for each story of building height above three stories. Any property area needed to comply with this requirement shall count as open space as required in Figures 10.5A41.10A-D (Development Standards) and as community space; even if less than 15 feet in width.

^{2,4} For parcels over 80,000 sq. ft. in area that are located south of Islington Street, up to two stories or 20 feet may be added to the maximum building height provided both requirements listed under Section 10.5A46.22 (1) and (2) are met.

- B. Amend Map 10.5A21A Character Districts and Civic Districts as set forth in document titled “Proposed Amendment for 105 Bartlett St Part 1B Zoning Map 10.5A21A Character Districts and Civic Districts” revised 6-26-18.
- C. Amend Map 10.5A21B Building Height Standards as set forth in document titled “Proposed Amendment for 105 Bartlett St Part 1B Zoning Map 10.5A21B Building Height Standards” revised 6-26-18

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

10.5A46 Incentive Overlay Districts

The Incentive Overlay Districts are designated on Map 10.5A21B. In such areas, certain specified development standards may be modified as set forth in Section 10.5A46.10 below, if the development provides community space or workforce housing in accordance with Section 10.5A46.20, as applicable:

10.5A46.10 Incentives to Development Standards

DEVELOPMENT STANDARDS	INCENTIVES	
	North End Incentive Overlay District	West End Incentive Overlay District
Maximum building coverage	No Change	80%
Maximum building footprint	30,000 sf	30,000 sf ¹
<u>Maximum building block length</u>	<u>No Change</u>	<u>No Change</u> ²
Minimum lot area	No Change	2,000 sf
Minimum lot area per dwelling unit	No Change	No minimum
Maximum building height	Plus 1 story up to 10 ft ³	Plus 1 story up to 10 ft ^{3,4,2}
Minimum ground story height	No Change	9 feet
Minimum off-street parking	No Change	Non-residential: 25% reduction from underlying standard

¹ Except for CD4-L2 where the maximum building footprint shall be 3,500 SF.

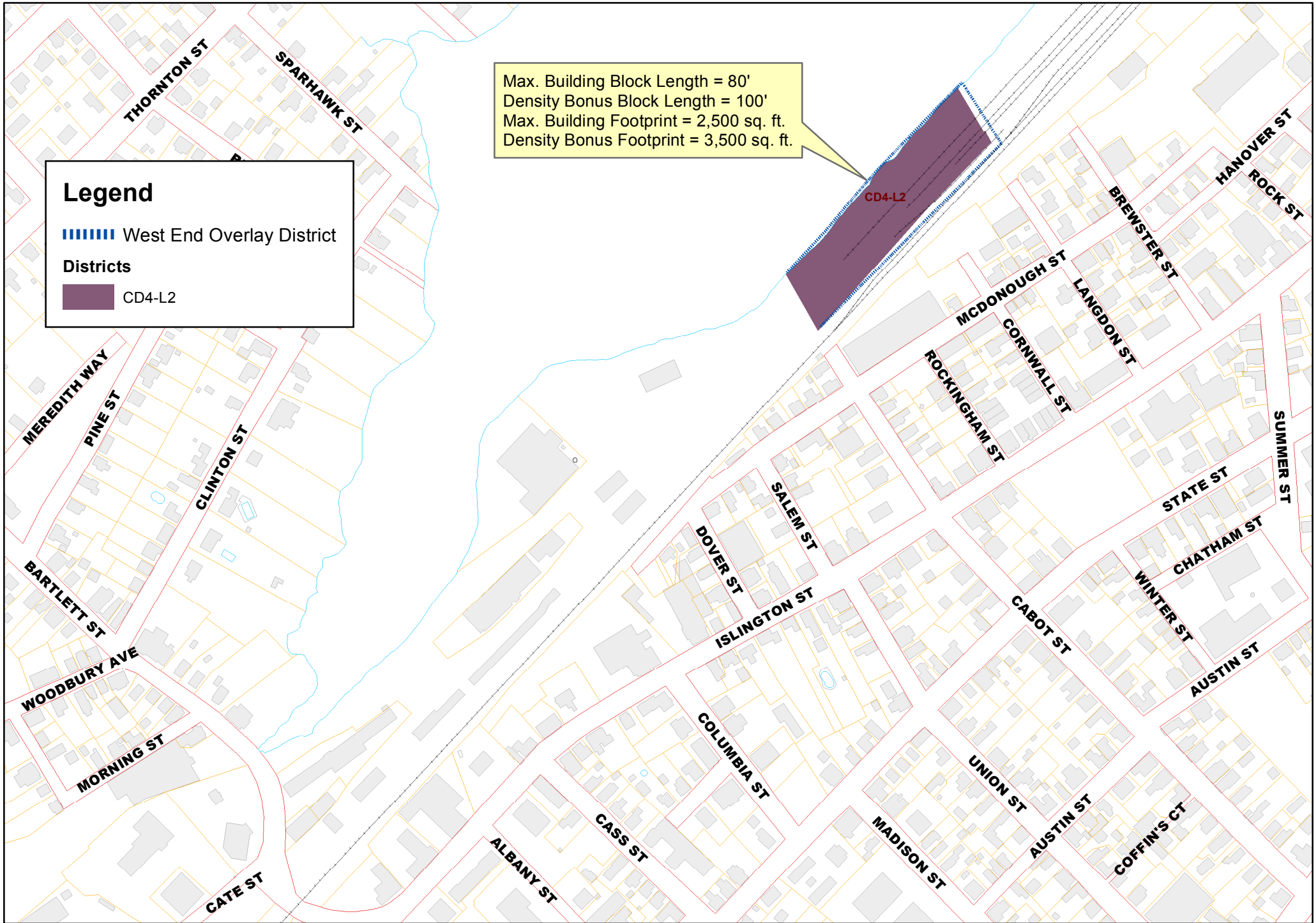
² Except for CD4-L2 where the maximum building block length shall be 100 feet.

³ In order to receive the building height incentive, the sidewalk width in front of any façade shall be at least 10 feet plus two feet for each story of building height above three stories. Any property area needed to comply with this requirement shall count as open space as required in Figures 10.5A41.10A-D (Development Standards) and as community space; even if less than 15 feet in width.

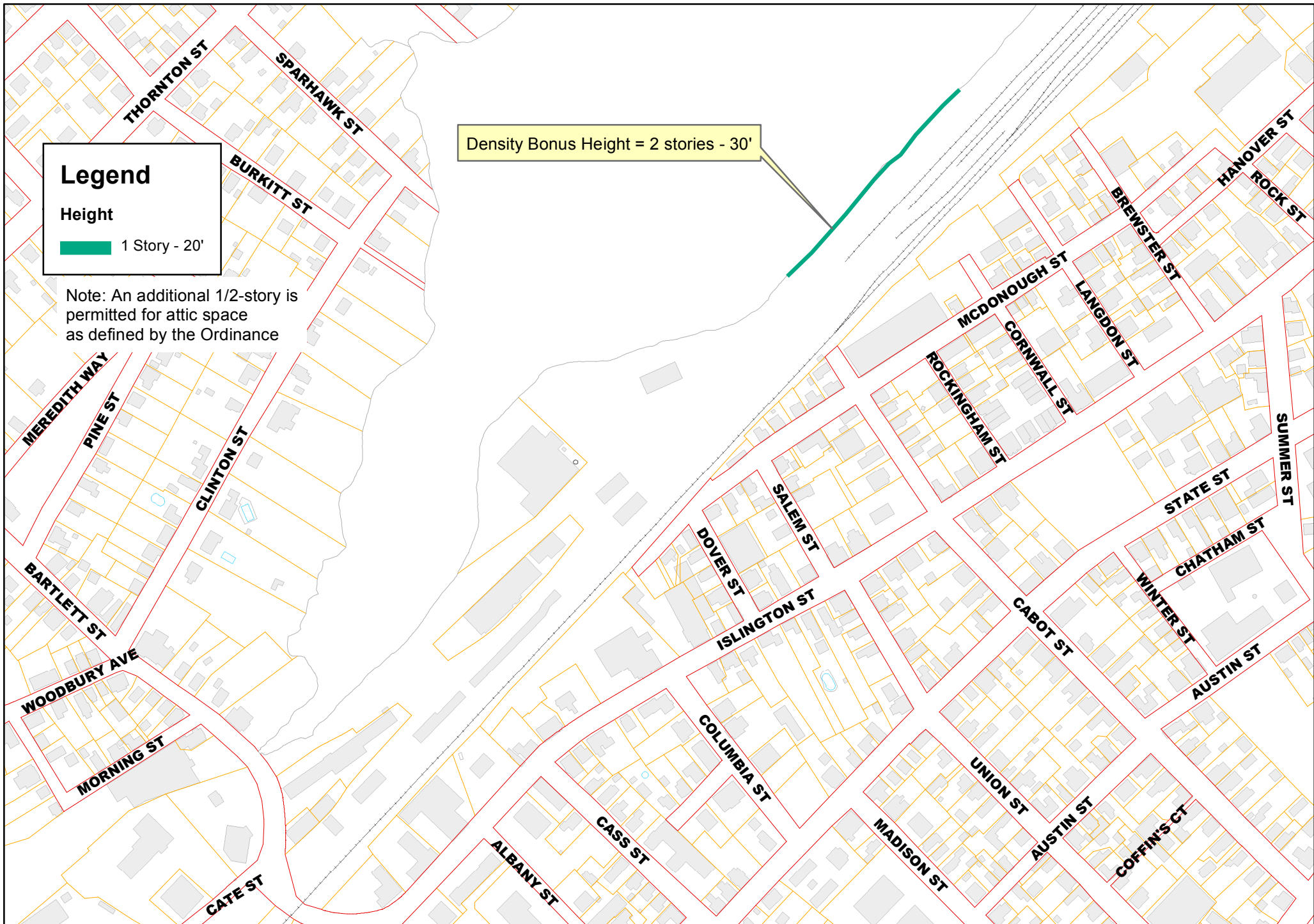
⁴ For parcels over 80,000 sq. ft. in area that are located south of Islington Street, up to two stories or 20 feet may be added to the maximum building height provided both requirements listed under Section 10.5A46.22 (1) and (2) are met.

10.5A46.20 Requirements to Receive Incentives to the Development Standards

10.5A46.21 For a lot located adjacent to, or within 100 feet of, North Mill Pond, Hodgson Brook or the Piscataqua River, the development shall provide community space equal to 20% of the lot area that includes a continuous public greenway at least 20 feet in width with a multi-use path and that is parallel and located within 50 feet of the waterfront. Trail connections to



Proposed Amendment for 105 Bartlett Street Part 1B
Zoning Map 10.5A21A Character Districts and Civic Districts



**Proposed Amendment for 105 Bartlett Street Part 1B
Zoning Map 10.5A21B Building Height Standards**

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, July 9, 2018 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 10 – Zoning Ordinance – Petition for Re-Zoning of 105 Bartlett Street:

- Amendments to Character-Based Zoning Development Standards Section 10.5A41;
- Amendments to Character-Based Zoning Building Form and Facades Section 10.5A43;
- Amendments to Character-Based Zoning Community Spaces Section 10.5A45;
- Amendments to Character-Based Zoning Incentive Overlay Districts Section 10.5A46

The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, July 9, 2018 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 10 – Zoning Ordinance – Petition for Re-Zoning of 105 Bartlett Street

- Amendments to Character-Based Zoning Development Standards Section 10.5A41;
- Amendments to Character-Based Zoning Building Form and Facades Section 10.5A43;
- Amendments to Character-Based Zoning Community Spaces Section 10.5A45;
- Amendments to Character-Based Zoning Incentive Overlay Districts Section 10.5A46

The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk

Proposed Zoning Amendments Part 2

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, be amended as follows:

A. Amend Article 5A Character-Based Zoning – Figure 10.5A41.10A Development Standards, as follows:

(1) Amend the table of building and facade types for Character District 4 – Limited (CD4-L1/CD4-L2) as follows (additions to existing language **bolded**; remaining language unchanged from existing):

BUILDING TYPES

See Figure 10.5A43.60 for building type definitions	
House	permitted*
Duplex	permitted*
Rowhouse	permitted*
Apartment building	permitted*
Live/work building	permitted**
Small commercial building	CD4-L1: not permitted CD4-L2: permitted
Large commercial building	not permitted
Cottage	not permitted
Paired House	permitted*
Gateway Townhouse	not permitted
Mixed-Use Building	permitted**
Flex Space Building	permitted
Community Building	permitted

*Not permitted in the Downtown Overlay District

**Residential uses are not permitted on the ground floor in the Downtown Overlay District

FAÇADE TYPES

Figure 10.5A43.10 for façade type definitions	
Except where required façade types are indicated on Map 10.5A21C, the below standards apply:	
Porch	permitted
Stoop	permitted*
Step	only permitted where indicated on Map 10.5A21C
Shopfront	CD4-L1: only permitted where indicated on Map 10.5A21C CD4-L2: permitted

Officefront	only permitted where indicated on Map 10.5A21C
Forecourt	permitted*
Recessed-entry	permitted
Dooryard	permitted
Terrace	not permitted
Gallery	not permitted
Arcade	not permitted

*Not permitted in the Downtown Overlay District

- (3) Amend the table of building and facade types for Character District 4 – West End (CD4-W) as follows (additions to existing language **bolded**; remaining language unchanged from existing):

BUILDING TYPES

See Figure 10.5A43.60 for building type definitions	
House	not permitted
Duplex	not permitted
Rowhouse	permitted
Apartment building	permitted
Live/work building	permitted*
Small commercial building	permitted
Large commercial building	permitted
Cottage	not permitted
Paired House	not permitted
Gateway Townhouse	not permitted
Mixed-Use Building	permitted*
Flex Space Building	permitted
Community Building	permitted

*Residential uses are not permitted on the ground floor

FAÇADE TYPES

Figure 10.5A43.10 for façade type definitions	
Except where required façade types are indicated on Map 10.5A21C, the below standards apply:	
Porch	not permitted
Stoop	permitted
Step	permitted
Shopfront	permitted
Officefront	permitted
Forecourt	not permitted
Recessed-entry	permitted
Dooryard	permitted
Terrace	not permitted
Gallery	permitted

Arcade	permitted
---------------	------------------

- (4) Amend the table of building and facade types for Character District 4 (CD4) as follows (additions to existing language **bolded**; remaining language unchanged from existing):

BUILDING TYPES

See Figure 10.5A43.60 for building type definitions	
House	not permitted
Duplex	not permitted
Rowhouse	permitted*
Apartment building	permitted*
Live/work building	permitted**
Small commercial building	permitted
Large commercial building	permitted
Cottage	not permitted
Paired House	not permitted
Gateway Townhouses	not permitted
Mixed-Use Building	permitted**
Flex Space Building	permitted
Community Building	permitted

*Not permitted in the Downtown Overlay District

**Residential uses are not permitted on the ground floor in the Downtown Overlay District

FAÇADE TYPES

Figure 10.5A43.10 for façade type definitions	
Except where required façade types are indicated on Map 10.5A21C, the below standards apply:	
Porch	not permitted
Stoop	permitted
Step	permitted
Shopfront	permitted
Officefront	permitted
Forecourt	not permitted
Recessed-entry	permitted
Dooryard	permitted
Terrace	not permitted
Gallery	permitted
Arcade	permitted

- (5) Amend the table of building and facade types for Character District 5 (CD5) as follows (additions to existing language **bolded**; remaining language unchanged from existing):

BUILDING TYPES

See Figure 10.5A43.60 for building type definitions	
House	not permitted
Duplex	not permitted
Rowhouse	not permitted
Apartment building	not permitted
Live/work building	permitted*
Small commercial building	permitted
Large commercial building	permitted
Cottage	not permitted
Paired House	not permitted
Gateway Townhouse	not permitted
Mixed-Use Building	permitted*
Flex Space Building	permitted
Community Building	permitted

*Residential uses are not permitted on the ground floor in the Downtown Overlay District

FAÇADE TYPES

Figure 10.5A43.10 for façade type definitions	
Except where required façade types are indicated on Map 10.5A21C, the below standards apply:	
Porch	not permitted
Stoop	permitted
Step	permitted
Shopfront	permitted
Officefront	permitted
Forecourt	not permitted
Recessed-entry	permitted
Dooryard	not permitted
Terrace	not permitted
Gallery	permitted
Arcade	permitted

B. Amend Article 5A Character-Based Zoning – Figure 10.5A43.10 Façade Types, as follows:

(1) In the definition of Dooryard, add the following under permitted districts:

CD4-L1, CD4-L2, CD4-W, CD4. This façade type is not permitted in the Downtown Overlay District.

(2) In the definition of Terrace, add CD4-W to permitted districts.

(3) In the definition of Gallery, add CD4-W to permitted districts.

(4) In the definition of Arcade, add CD4-W, CD4, and CD5 to permitted districts.

C. Amend Article 5A Character-Based Zoning – Figure 10.5A43.60 Building Types, as follows:

(1) Amend the definition of Duplex as follows (additions to existing language **bolded**; remaining language unchanged from existing):

A residential building with two vertically-separated units with separate entrances. The building may have yards/**setbacks** on all sides, or it may be divided along the party wall by a lot line where permitted by the standards of the Character district.

(2) Amend the definition of Rowhouse as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

A building that may occupy the full width of the lot and shares a party wall with one or more buildings of the same type, with a minimal ~~front yard~~ **yard/setback along the front of the lot or development site**.

(3) Amend the definition of Apartment Building as follows (additions to existing language **bolded**; remaining language unchanged from existing):

A building **designed for residential use** that has the appearance of a multifamily dwelling, with yards/**setbacks** on all sides.

(4) Amend the definition of Small Commercial Building as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

A building **designed for non-residential use** with a shopfront or officefront façade type and minimal or no yard/setback along the front of the lot or development site ~~front yard~~, and that is no more than 3 stories in height.

(5) Amend the definition of Large Commercial Building as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

A building with a shopfront or officefront façade type and minimal or no **yard/setback along the front of the lot or development site** ~~front yard~~, and that is 4 or more stories in height.

- (6) Amend the definition of Paired House as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

A ~~residential~~ building **designed for residential use** type with narrow massing and horizontally attached or semi-attached dwelling units generally perpendicular to the **front of the lot or development site** ~~front lot line~~. These buildings contain up to 3 dwelling units and are often designed to resemble large farmhouses with attached carriage houses.

Permitted districts: G1, G2, **CD4-L1, CD4-L2**

This building type is not permitted in the Downtown Overlay District.

- (7) In the definition of Mixed Use Building, add CD4, CD4-W, and CD5.
- (8) In the definition of Flex Space / Fabrication Building, add CD4-W.
- (9) In the definition of Community Building, delete G1, G2 under permitted districts and add All Districts.

D. Amend Article 5A Character-Based Zoning – Figure 10.5A45.10 Community Spaces, as follows:

- (1) Add Permitted Districts: All Districts to the definitions of all community space types except Outdoor Dining Café.
- (2) Amend the definition of Wide Pedestrian Sidewalk by inserting “a minimum of 10’ in width unless otherwise defined by the Ordinance” after sidewalk in the first sentence.
- (3) Amend the definition of Outdoor Dining Café as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):
An ~~Outdoor dining cafes~~ community space ~~are~~ is permitted as an ancillary activity of a ~~any restaurant, pub, or other~~ food and drink establishment **where the principal use is otherwise allowed in the district.** ~~The operator of the outdoor dining cafe may be granted permission from the City for locations on the public sidewalk.~~ **The area must provide deeded public access to qualify as Community Space in the Character Districts.**
- (4) Amend Permitted Districts for Outdoor Dining Café to include CD4-L2, CD4, CD4-W, CD-5.
- (5) Amend the definition of Courtyard by inserting “a landscaped park” after “enclosed”.

E. Amend the Table in Section 10.5A46.10 Incentives to Development Standards by inserting the following

Ground story parking	Permitted with a liner building ⁵	Permitted with a liner building ⁵
----------------------	--	--

⁵ If ground floor parking is proposed, at least 50% of the ground story facing a public street shall include a liner building designed as a shopfront for commercial space.

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

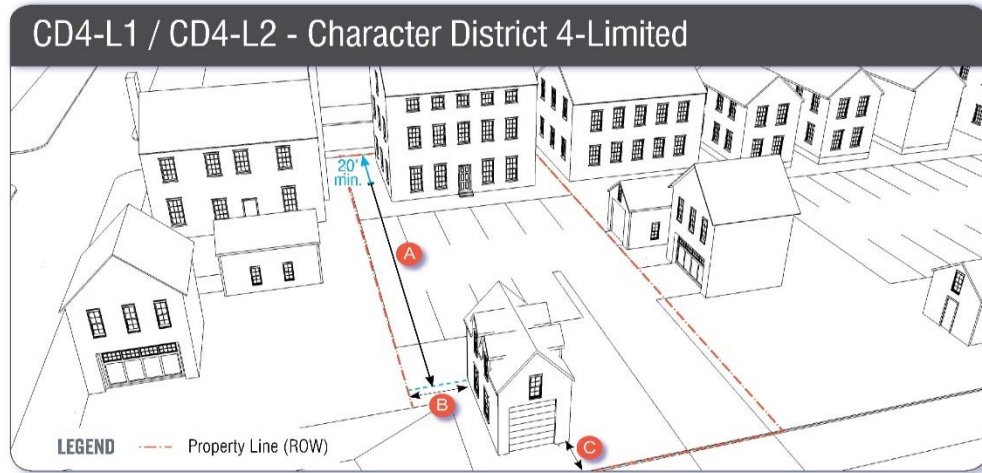
APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

**FIGURE 10.5A41.10A DEVELOPMENT STANDARDS
CHARACTER DISTRICT 4—LIMITED (CD4-L1/CD4-L2)**



BUILDING PLACEMENT – OUTBUILDING

Minimum front yard	20 ft behind a façade of a principal building	A
Minimum side yard	3 ft	B
Minimum rear yard	3 ft	C

BUILDING TYPES

See Figure 10.5A43.60 for building type definitions

House	permitted*
Duplex	permitted*
Rowhouse	permitted*
Apartment building	permitted*
Live/work building	permitted**
Small commercial building	CD4-L1: not permitted CD4-L2: permitted
Large commercial building	not permitted
<u>Cottage</u>	<u>not permitted</u>
<u>Paired House</u>	<u>permitted*</u>
<u>Gateway Townhouse</u>	<u>not permitted</u>
<u>Mixed-Use Building</u>	<u>permitted**</u>
<u>Flex Space Building</u>	<u>permitted</u>
<u>Community Building</u>	<u>Permitted</u>

*Not permitted in the Downtown Overlay District
 **Residential uses are not permitted on the ground floor in the Downtown Overlay District

BUILDING & LOT USE

See Sections 10.5A30 and 10.440

FAÇADE TYPES

See Figure 10.5A43.10 for façade type definitions
 Except where required façade types are indicated on Map 10.5A21C, the below standards apply:

Porch	permitted
Stoop	permitted*
Step	only permitted where indicated on Map 10.5A21C
Shopfront	CD4-L1: only permitted where indicated on Map 10.5A21C CD4-L2: permitted
Officefront	only permitted where indicated on Map 10.5A21C
Forecourt	permitted*
Recessed-entry	permitted
<u>Dooryard</u>	<u>permitted</u>
<u>Terrace</u>	<u>not permitted</u>
<u>Gallery</u>	<u>not permitted</u>
<u>Arcade</u>	<u>not permitted</u>

*Not permitted in the Downtown Overlay District

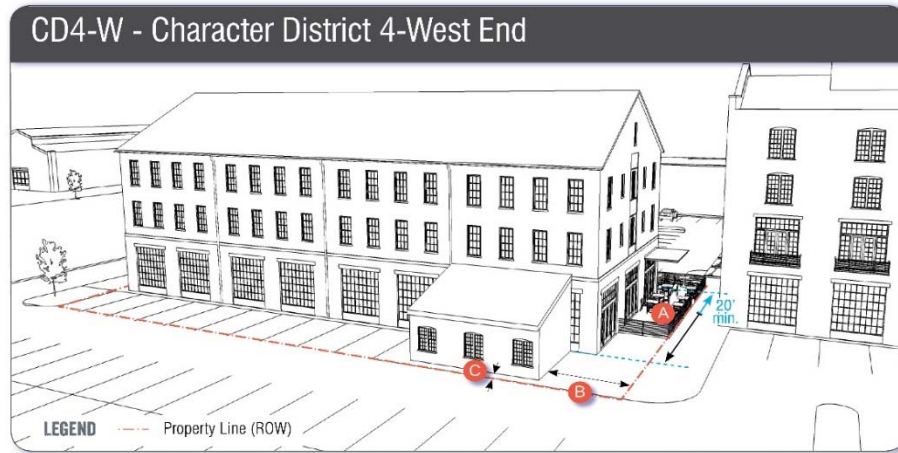
PARKING

See Section 10.5A44.30

COMMUNITY SPACE

See Section 10.5A45

**FIGURE 10.5A41.10B DEVELOPMENT STANDARDS
CHARACTER DISTRICT 4—WEST END (CD4-W)**



BUILDING PLACEMENT – OUTBUILDING

Minimum front yard	20 ft behind a façade of a principal building	A
Minimum side yard	0 ft	B
Minimum rear yard	3 ft	C

BUILDING TYPES

See Figure 10.5A43.60 for building type definitions

House	not permitted
Duplex	not permitted
Rowhouse	permitted
Apartment building	permitted
Live/work building	permitted*
Small commercial building	permitted
Large commercial building	permitted
<u>Cottage</u>	<u>not permitted</u>
<u>Paired House</u>	<u>not permitted</u>
<u>Gateway Townhouses</u>	<u>not permitted</u>
<u>Mixed-Use Building</u>	<u>permitted*</u>
<u>Flex Space Building</u>	<u>permitted</u>
<u>Community Building</u>	<u>Permitted</u>

*Residential uses are not permitted on the ground floor

BUILDING & LOT USE

See Sections 10.5A30 and 10.440

FAÇADE TYPES

See Figure 10.5A43.10 for façade type definitions
Except where required façade types are indicated on Map 10.5A21C, the below standards apply:

Porch	not permitted
Stoop	permitted
Step	permitted
Shopfront	permitted
Officefront	permitted
Forecourt	not permitted
Recessed-entry	permitted
<u>Dooryard</u>	<u>permitted</u>
<u>Terrace</u>	<u>not permitted</u>
<u>Gallery</u>	<u>permitted</u>
<u>Arcade</u>	<u>permitted</u>

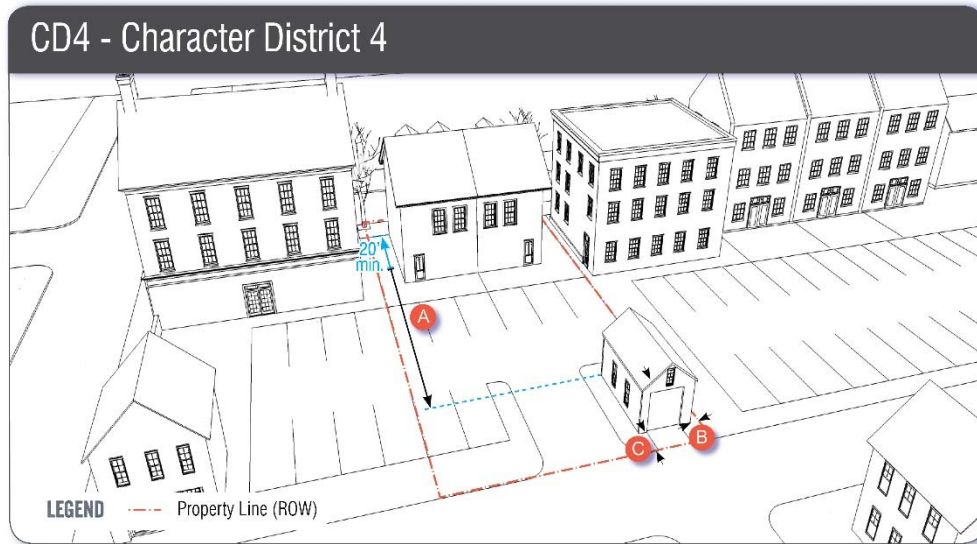
PARKING

See Section 10.5A44.30

COMMUNITY SPACE

See Section 10.5A45

**FIGURE 10.5A41.10C DEVELOPMENT STANDARDS
CHARACTER DISTRICT 4 (CD4)**



BUILDING PLACEMENT – OUTBUILDING

Minimum front yard	20 ft behind a façade of a principal building	A
Minimum side yard	0 ft	B
Minimum rear yard	3 ft	C

BUILDING TYPES

See Figure 10.5A43.60 for building type definitions		
House	not permitted	
Duplex	not permitted	
Rowhouse	permitted*	
Apartment building	permitted*	
Live/work building	permitted**	
Small commercial building	permitted	
Large commercial building	permitted	
<u>Cottage</u>	<u>not permitted</u>	
<u>Paired House</u>	<u>not permitted</u>	
<u>Gateway Townhouses</u>	<u>not permitted</u>	
<u>Mixed-Use Building</u>	<u>permitted**</u>	
<u>Flex Space Building</u>	<u>permitted</u>	
<u>Community Building</u>	<u>permitted</u>	

*Not permitted in the Downtown Overlay District
 **Residential uses are not permitted on the ground floor in the Downtown Overlay District

BUILDING & LOT USE

See Sections 10.5A30 and 10.440

FAÇADE TYPES

See Figure 10.5A43.10 for façade type definitions	
Except where required façade types are indicated on Map 10.5A21C, the below standards apply:	
Porch	not permitted
Stoop	permitted
Step	permitted
Shopfront	permitted
Officefront	permitted
Forecourt	not permitted
Recessed-entry	permitted
<u>Dooryard</u>	<u>permitted</u>
<u>Terrace</u>	<u>not permitted</u>
<u>Gallery</u>	<u>permitted</u>
<u>Arcade</u>	<u>permitted</u>

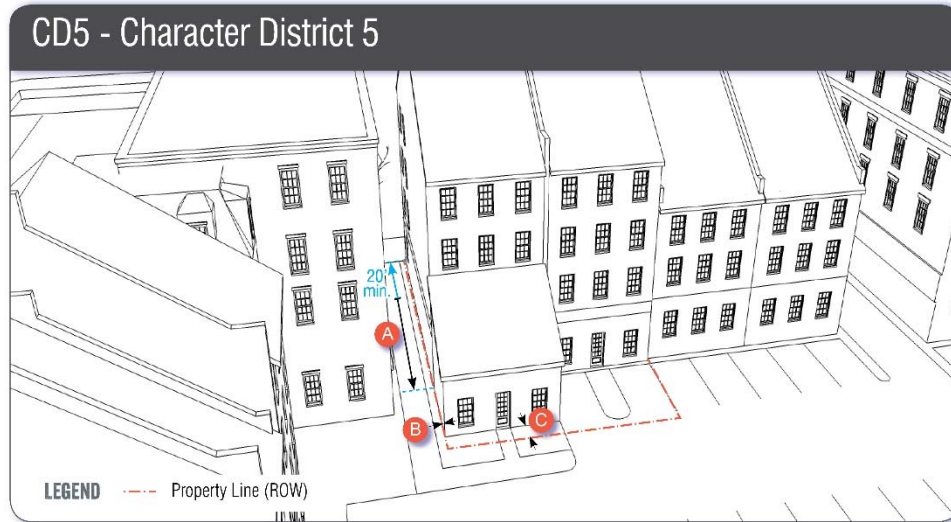
PARKING

See Section 10.5A44.30

COMMUNITY SPACE

See Section 10.5A45

**FIGURE 10.5A41.10D DEVELOPMENT STANDARDS
CHARACTER DISTRICT 5 (CD5)**



BUILDING PLACEMENT – OUTBUILDING

Minimum front yard	20 ft behind a façade of a principal building	A
Minimum side yard	0 ft	B
Minimum rear yard	3 ft	C

BUILDING TYPES

See Figure 10.5A43.60 for building type definitions

House	not permitted
Duplex	not permitted
Rowhouse	not permitted
Apartment building	not permitted
Live/work building	permitted*
Small commercial building	permitted
Large commercial building	permitted
<u>Cottage</u>	<u>not permitted</u>
<u>Paired House</u>	<u>not permitted</u>
<u>Gateway Townhouses</u>	<u>not permitted</u>
<u>Mixed-Use Building</u>	<u>permitted*</u>
<u>Flex Space Building</u>	<u>permitted</u>
<u>Community Building</u>	<u>permitted</u>

*Residential uses are not permitted on the ground floor in the Downtown Overlay District

BUILDING & LOT USE

See Sections 10.5A30 and 10.440

FAÇADE TYPES

See Figure 10.5A43.10 for façade type definitions
Except where required façade types are indicated on Map 10.5A21C, the below standards apply:

Porch	not permitted
Stoop	permitted
Step	permitted
Shopfront	permitted
Officefront	permitted
Forecourt	not permitted
Recessed-entry	permitted
<u>Dooryard</u>	<u>not permitted</u>
<u>Terrace</u>	<u>not permitted</u>
<u>Gallery</u>	<u>permitted</u>
<u>Arcade</u>	<u>permitted</u>

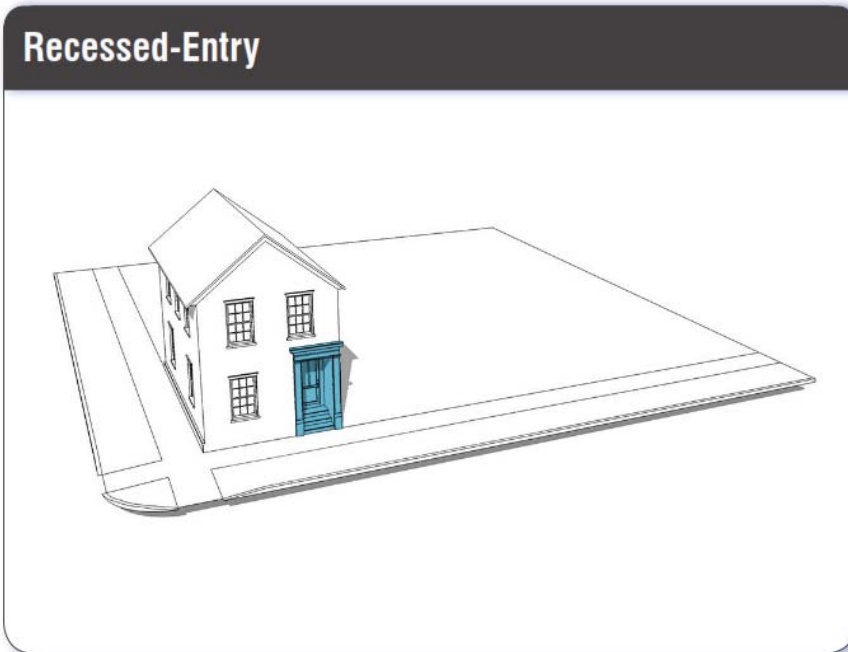
PARKING

See Section 10.5A44.30

COMMUNITY SPACE

See Section 10.5A45

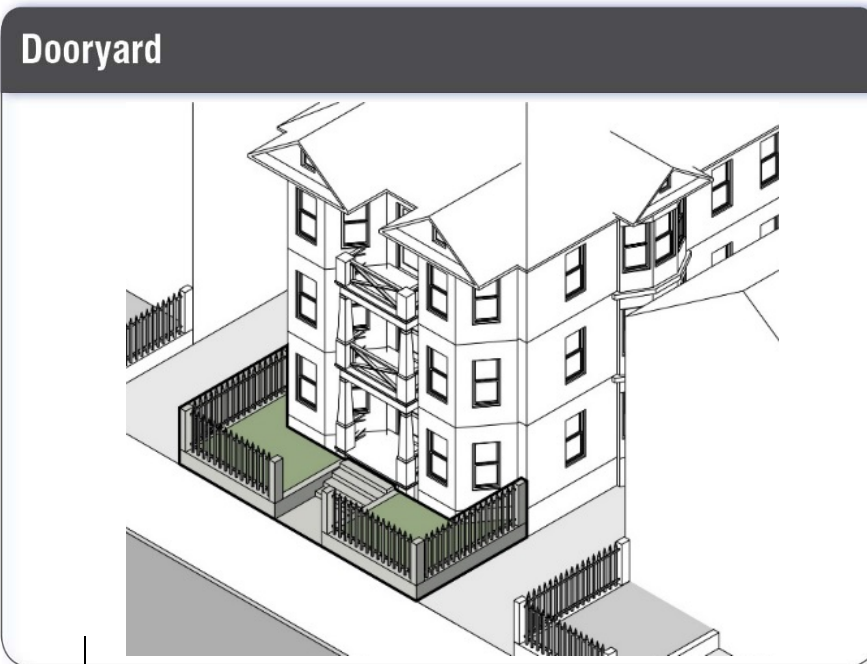
FIGURE 10.5A43.10 FAÇADE TYPES (CONTINUED)



The façade is aligned close to the front lot line and the primary building entrance is recessed within the façade.

This type is conventional for residential use.

Permitted districts:
CD4-L1, CD4-L2, CD4,
CD4-W, CD5, G1, G2



The building facade is aligned close to the street line, and the frontage is defined by a low wall, decorative fence or hedge providing a strong spatial definition from the public sidewalk. The result is a small semi-private yard containing the principal entrance. The yard may be slightly raised, sunken, or at-grade, and may be planted or landscaped. A paved walkway from the sidewalk to the front door is required. This type is commonly associated with ground floor residential use.

Permitted districts: G1, G2,
CD4-L1, CD4-L2, CD4-W,
CD4.

This façade type is not permitted in the Downtown Overlay District.

FIGURE 10.5A43.10 FAÇADE TYPES (CONTINUED)

Terrace



Building facade is at or near the street line with an elevated terrace that may encroach into the front yard or setback providing level or terraced public circulation along the façade. This type can be used to provide at-grade access while accommodating a grade change along a street line. Frequent steps up to the terrace are necessary to avoid dead walls and maximize access. This type is required to be used in conjunction with other facade types to define individual or shared entries facing the street.

Permitted districts: G1, G2, CD4-W

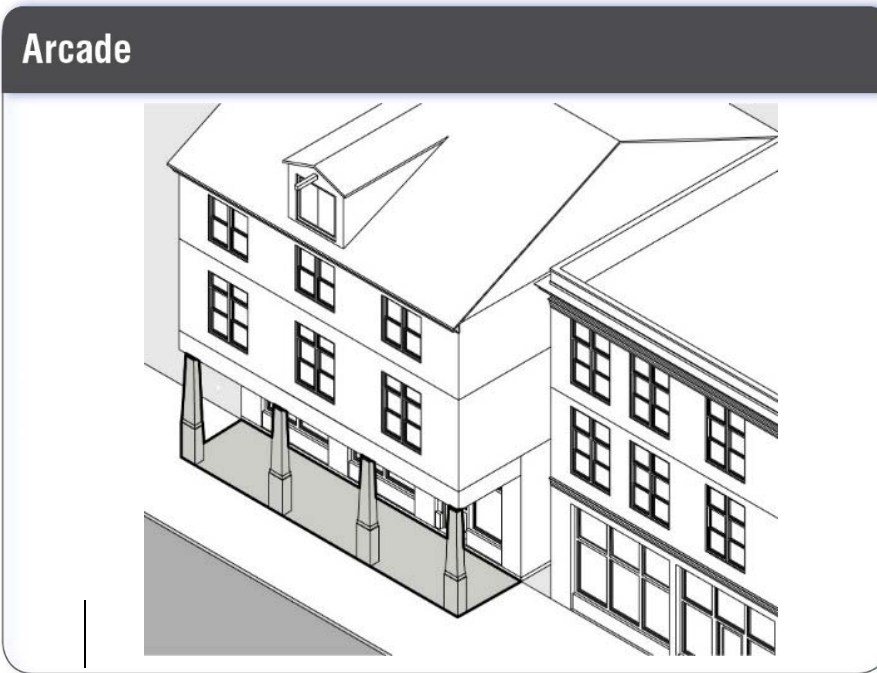
Gallery



The building facade is set back from the street line with an attached one or two story cantilevered shed or a lightweight colonnade that is built to the street line. This type is intended for buildings with ground floor commercial, hospitality or retail uses. This facade type is required to be used in conjunction with other types to define individual or shared first floor entries facing the street.

Permitted districts: G1, G2, CD4-W

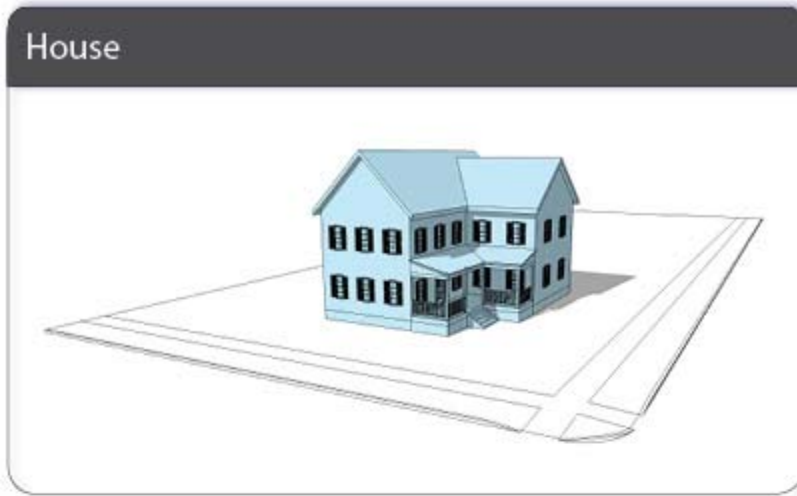
FIGURE 10.5A43.10 FAÇADE TYPES (CONTINUED)



Only the ground floor level of the building facade is set back from the street line. The building facade for the upper floors is at the street line and is supported by a colonnade with habitable space above. This façade type is intended for buildings with ground floor commercial, hospitality or retail uses. This type is required to be used in conjunction with other facade types to define individual or shared first floor entries facing the street.

Permitted districts: G1, G2, CD4-W, CD4, CD5

FIGURE 10.5A43.60 BUILDING TYPES

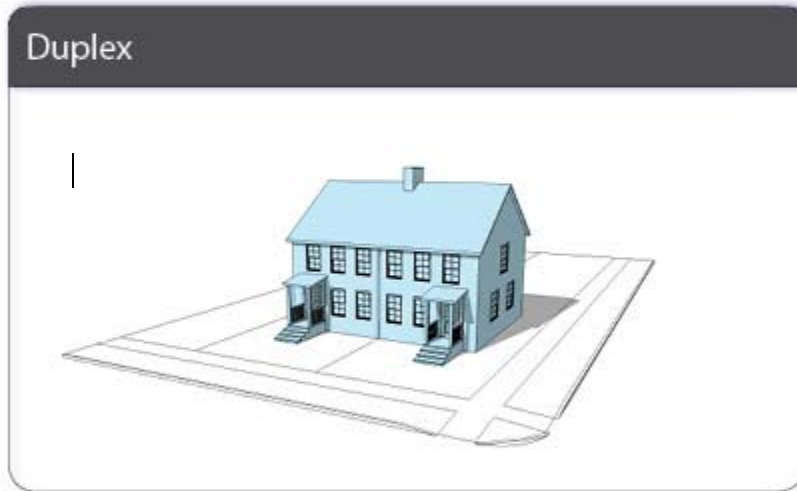


A residential building that has the appearance of a single-family dwelling, with yards on all sides.

Permitted districts:

CD4-L1, CD4-L2

This building type is not permitted in the Downtown Overlay District.



A residential building with two vertically-separated units with separate entrances. The building may have yards/setbacks on all sides, or it may be divided along the party wall by a lot line where permitted by the standards of the Character district.

Permitted districts:

CD4-L1, CD4-L2

This building type is not permitted in the Downtown Overlay District.



A building that may occupy the full width of the lot and shares a party wall with one or more buildings of the same type, with a minimal front yard yard/setback along the front of the lot or development site.

Permitted districts:

CD4, CD4-W, CD4-L1, CD4-L2

This building type is not permitted in the Downtown Overlay District.

FIGURE 10.5A43.60 BUILDING TYPES (CONTINUED)

Apartment Building



A building designed for residential use that has the appearance of a multifamily dwelling, with yards/setbacks on all sides.

Permitted districts:

CD4, CD4-W, CD4-L1, CD4-L2, G1, G2

This building type is not permitted in the Downtown Overlay District.

Live / Work Building



A building designed to accommodate a ground floor commercial use and a residential use above or beside.

Permitted districts:

CD5, CD4, CD4-W, CD4-L1, CD4-L2, G1, G2

Residential uses are not permitted on the ground floor in the Downtown Overlay District.

Small Commercial Building



A building designed for non-residential use with a shopfront or officefront façade type and minimal or no yard/setback along the front of the lot or development site~~front yard~~, and that is no more than 3 stories in height.

FIGURE 10.5A43.60 BUILDING TYPES (CONTINUED)

Large Commercial Building



A building with a shopfront or officefront façade type and minimal or no yard/setback along the front of the lot or development site~~front yard~~, and that is 4 or more stories in height.

Permitted districts:
CD5, CD4, CD4-W, G1, G2

Cottage



A small detached single family dwelling with narrow massing.

Permitted districts: G1, G2

Paired House



A ~~residential~~ building designed for residential use~~type~~ with narrow massing and horizontally attached or semi-attached dwelling units generally perpendicular to the front of the lot or development site~~front lot line~~. These buildings contain up to 3 dwelling units and are often designed to resemble large farmhouses with attached carriage houses.

Permitted districts: G1, G2, CD4-L1, CD4-L2

This building type is not permitted in the Downtown Overlay District.

FIGURE 10.5A43.60 BUILDING TYPES (CONTINUED)

Gateway Townhouse



These small footprint attached single family residential buildings have narrow massing and may be located on individual or common lots. Each unit is separated horizontally by a common wall and groups of buildings may be separated by a common driveway or community space.

Permitted districts: G1, G2

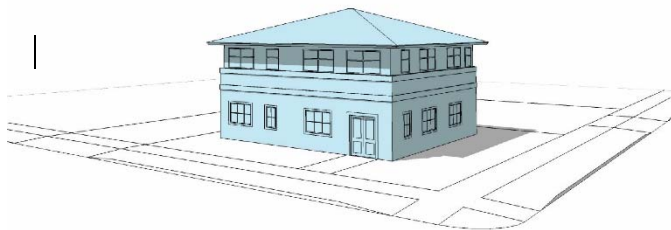
Mixed Use Building



A variable footprint building type that typically accommodates a variety of ground floor commercial uses and upper residential and office uses at the scale that compliments the historic character of the neighborhood.

Permitted districts: G1, G2, CD4, CD4-W, CD5

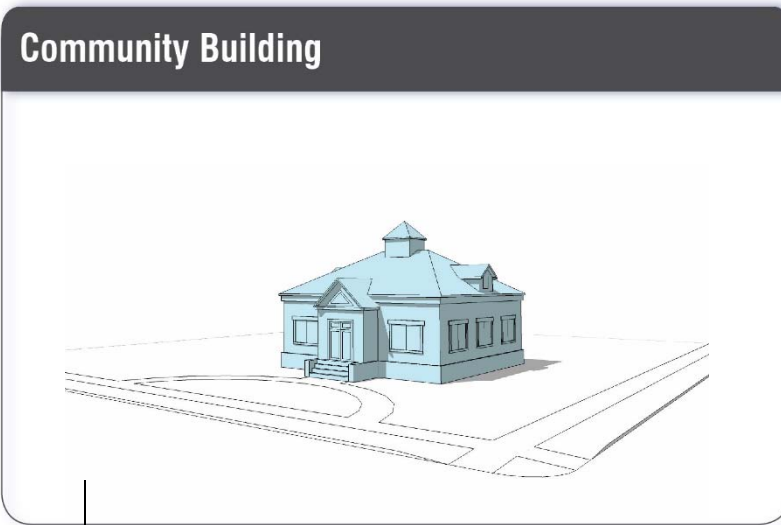
Flex Space / Fabrication Building



A building located and designed to accommodate a small footprint for fabrication and light industrial uses. Flex buildings are also used to provide affordable space to small and creative business enterprises.

Permitted districts: G1, G2, CD-4W

FIGURE 10.5A43.60 BUILDING TYPES (CONTINUED)



A building located and designed to accommodate public or civic uses such as a neighborhood center and similar public gathering facilities and spaces. Community Buildings may be privately owned and operated as an accessory building and amenity for a residential and mixed use developments.

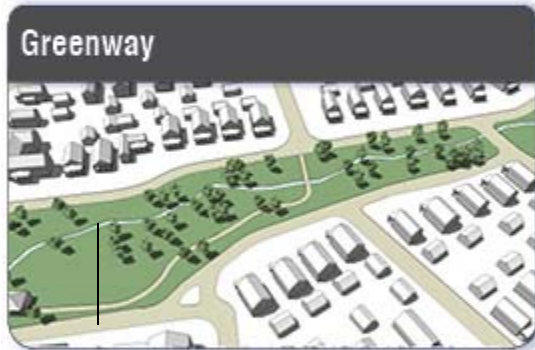
Permitted districts: ~~G1~~,
G2 All Districts

FIGURE 10.5A45.10 COMMUNITY SPACES



An area of natural, semi-natural, or planted space set aside for human enjoyment and recreation or for the protection of wildlife or natural habitats. A park may consist of grassy areas, trees and other natural or planted landscape features, and may also contain walking paths and trails, monuments, fountains, playground equipment, benches, picnic tables and similar amenities.

Permitted Districts: All Districts



A linear community space that may follow natural corridors providing unstructured and limited amounts of structured recreation. A greenway may be spatially defined by landscaping rather than buildings. Its landscape shall consist of paths and trails, waterbodies, and trees, naturalistically disposed.

Permitted Districts: All Districts



A paved/brick pedestrian connector between buildings. Pedestrian alleys provide shortcuts through long blocks and connect community spaces and parking areas with streets. Pedestrian alleys may be covered by a roof and/or lined by shopfronts. The minimum width shall be 15 feet.

Permitted Districts: All Districts



A wide pedestrian sidewalk (a minimum of 10' in width unless otherwise defined by the Ordinance) located between the building façade and the public right of way. Wide pedestrian sidewalks provide space between the façade and the curblane for comfortable pedestrian movement, street trees and street furniture.

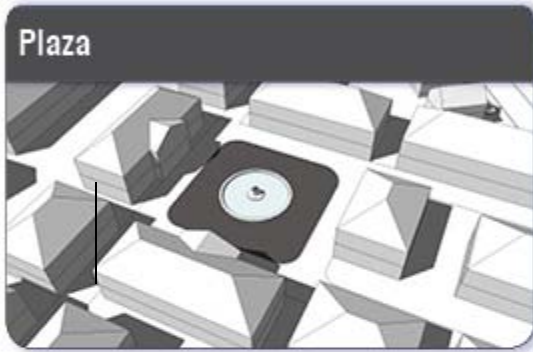
Permitted Districts: All Districts

FIGURE 10.5A45.10 COMMUNITY SPACES (CONTINUED)



A community space available for unstructured recreation and community purposes. A square is spatially defined by buildings. Its landscape shall consist of paths, ground cover and trees, formally disposed. Squares shall be located at the intersection of important streets. The minimum size shall be 1/8 acre.

Permitted Districts: All Districts



A community space available for community purposes and commercial activities. A plaza should be spatially defined by buildings. Its landscape should consist primarily of pavement. Trees are optional. Plazas should be located at the intersection of important streets. The minimum size shall be 1/8 acre.

Permitted Districts: All Districts



A community space available for informal activities in close proximity to neighborhood residences. A pocket park is spatially defined by buildings. Its landscape shall consist of paths, lawns and trees, formally disposed. The minimum size shall be 500 sq. ft.

Permitted Districts: All Districts



A community space designed and equipped for the recreation of children. A playground should be fenced and may include an open shelter. Playgrounds shall be interspersed within residential areas and may be placed within a block. Playgrounds may be included within parks and greens. The minimum size shall be 500 sq. ft.

Permitted Districts: All Districts

FIGURE 10.5A45.10 COMMUNITY SPACES (CONTINUED)

Recreation Field or Court



A publicly accessible open space designed and equipped for active recreation and organized sports. Playing fields and courts may include grass, artificial turf, clay, dirt, stone dust, concrete, asphalt, ice or other pervious or impervious materials to support various sporting events.

Permitted districts: ~~G1, G2~~ All Districts

Common or Green



A space for active and passive recreation and gathering purposes. A common or green is a free-standing site with thoroughfares on all sides and landscape consisting of naturally disposed lawns, paths, and trees.

Permitted districts: ~~G1, G2~~ All Districts

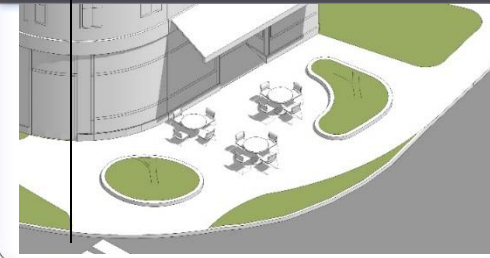
Community Garden or Farm



A space designed as individual garden plots available to residents for urban agriculture purposes, including storage facilities for necessary equipment. Community gardens may be freestanding or incorporated as a subordinate feature of a community park, neighborhood park, or pocket park.

Permitted districts: ~~G1, G2~~ All Districts

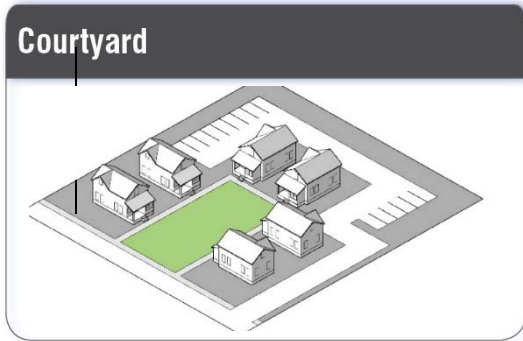
Outdoor Dining Cafe



~~An Outdoor dining cafes community space are is permitted as an ancillary activity of any restaurant, pub, or other food and drink establishment where the principal use is otherwise allowed in the district. The operator of the outdoor dining cafe may be granted permission from the City for locations on the public sidewalk. The area must provide deeded public access to qualify as Community Space in the Character Districts.~~

Permitted districts: G1, G2, CD4-L2, CD4, CD4-W, CD-5.

FIGURE 10.5A45.10 COMMUNITY SPACES (CONTINUED)



A courtyard or court is an enclosed and landscaped park area, often surrounded by a building or complex that is open to the sky.

Permitted districts: ~~G1, G2~~ All Districts

10.5A46 Incentive Overlay Districts

The Incentive Overlay Districts are designated on Map 10.5A21B. In such areas, certain specified development standards may be modified as set forth in Section 10.5A46.10 below, if the development provides community space or workforce housing in accordance with Section 10.5A46.20, as applicable:

10.5A46.10 Incentives to Development Standards

DEVELOPMENT STANDARDS	INCENTIVES	
	North End Incentive Overlay District	West End Incentive Overlay District
Maximum building coverage	No Change	80%
Maximum building footprint	30,000 sf	30,000 sf ¹
Maximum building block length	No Change	No Change ²
Minimum lot area	No Change	2,000 sf
Minimum lot area per dwelling unit	No Change	No minimum
Maximum building height	Plus 1 story up to 10 ft ³	Plus 1 story up to 10 ft ^{3,4}
Minimum ground story height	No Change	9 feet
<u>Ground story parking</u>	<u>Permitted with a liner building⁵</u>	<u>Permitted with a liner building⁵</u>
Minimum off-street parking		Non-residential: 25% reduction from underlying standard

¹ Except for CD4-L2 where the maximum building footprint shall be 3,500 SF.

² Except for CD4-L2 where the maximum building block length shall be 100 feet.

³ In order to receive the building height incentive, the sidewalk width in front of any façade shall be at least 10 feet plus two feet for each story of building height above three stories. Any property area needed to comply with this requirement shall count as open space as required in Figures 10.5A41.10A-D (Development Standards) and as community space; even if less than 15 feet in width.

⁴ For parcels over 80,000 sq. ft. in area that are located south of Islington Street, up to two stories or 20 feet may be added to the maximum building height provided both requirements listed under Section 10.5A46.22 (1) and (2) are met.

⁵ If ground floor parking is proposed in the CD4-W, at least 50% of the ground story facing a public street shall include a liner building designed as a shopfront ~~shopfront~~ for commercial space.

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, VEHICLES, TRAFFIC and PARKING of the ordinances of the City of Portsmouth be amended as follows by deletions from existing language stricken and highlighted in **red**; additions to existing language bolded and highlighted in **red**, remaining language unchanged from existing:

[Explanatory note not part of ordinance. The following amendments to the parking ordinance were either implemented by the Parking and Traffic Safety Committee on a trial basis last year or are part of ongoing improvements to the parking ordinance and are forwarded to the City Council for approval. Each ordinance change is shown on diagrams attached hereto.]

A. Amend: Chapter 7, Article I – PARKING METERS, Section 7.105: Parking

Section 7.105: PARKING:

- A. When any vehicle shall be parked in a parking meter zone the owner or operator of said vehicle shall park within the area designated by the curb or street marking lines as indicated for parallel or diagonal parking and upon entering said parking space shall immediately deposit in said meter the required meter fee or purchase the time requested through a central meter, in vehicle meter, coupon or other metering device including mobile phone applications, and display proof of purchase on the vehicle's interior dashboard, or other approved means of display, including meter devices defined in Section 7.101. It shall be unlawful for any person parking any vehicle or permitting any vehicle registered in his name to be parked within any designated area where parking meters are installed, to fail or neglect to pay for parking as required. Said parking space may then be used by such vehicle during the legal parking limit provided by the Ordinance of the City and said vehicle shall be considered as unlawfully parking if it remains in said space beyond the legal parking limit and/or when said parking meter displays a signal showing such illegal parking. **A vehicle shall also be considered as unlawfully parking if said vehicle fails to move at least 500 feet from the original parking space after the legal parking limit has expired.** It shall be unlawful for any person to cause or permit any vehicle registered in his name to be parked unlawfully as set out in this section.
-

B. Amend: Chapter 7, Article I – PARKING METERS, Section 7.106: Unlawful Extension

Section 7.106: UNLAWFUL EXTENSION

It shall be unlawful for any person to deposit or cause to be deposited in a parking

meter ~~one or more twenty five (\$.25) cent coins and/or~~ **any additional combination payment** for the purpose of extending the parking time beyond the maximum time fixed by the Ordinances of the City of Portsmouth

C. Amend: Chapter 7, Article III – TRAFFIC ORDINANCE, Section 7.326: Limited Parking – Fifteen Minutes

Section 7.326: LIMITED PARKING – FIFTEEN MINUTES:

A. No person having control or custody of any vehicle shall cause the same to stop or park for longer than 15 minutes at any time between 9:00 a.m. and 8:00 p.m., Monday through Saturday, and between 12:00 p.m. and 8:00 p.m. Sunday, Holidays not included, on the following streets and locations:

- 5. Deer Street: One space on the northerly side of the street, beginning 13 feet west of the extension of the westerly curblineline of High Street, and running 20 feet in an easterly direction.**

D. Amend: Chapter 7, Article III – TRAFFIC ORDINANCE, Section 7.330: No Parking

Section 7.330: NO PARKING:

A. Unless otherwise designated by ordinance, parking shall be prohibited at all times in the following described streets and locations:

- ~~3. Alumni Drive~~ **Andrew Jarvis Drive:** southerly side.

35. Dennett Street:

- a. northerly side, ~~from Maplewood Avenue to Myrtle Avenue beginning at the westerly pavement edge of Hunters Hill Avenue and running 60 feet in a westerly direction.~~

- b. both sides from Myrtle to Maplewood Avenue.

67. Langdon Street:

- a. easterly side from McDonough Street to Islington Street.

- b. entire westerly side, north of McDonough Street.**

77. Mechanic Street:

- a. southerly side, from Marcy Street to the Peirce Island Bridge

- b. northerly side of Marcy Street to the Peirce Island bridge between the hours of 11 P.M. to 6 A.M.

- c. westerly side, from Peirce Island Road to ~~a point 86 feet north of~~ Gates Street.

- d. easterly side, beginning at the extension of the northerly curbline of Gates Street and running a distance of 27 feet in a northerly direction.
- e. westerly side, between Gardner Street and Hunking Street.

104. Raynes Avenue, southerly side, beginning at a point 192 feet east of the easterly curbline of Maplewood Avenue and running easterly to the end of Raynes Avenue.

126. Thaxter Road, both northerly and southerly sides, beginning at the easterly curbline of Islington Street and running easterly for a distance of 60 feet.

127. Vaughan Street:

- a. northerly side of Vaughan Street, beginning 303 feet west of the easterly curbline of Green Street, running 20 feet in a westerly direction. ~~from the northwest corner of the building at 299 Vaughan Street easterly 20 feet.~~
- b. southerly side of Vaughan Street, beginning 345 feet west of the extension of the easterly curbline of Green Street, running westerly to the end of Vaughn Street.
- c. northerly side of Vaughan Street, beginning 150 feet east of the easterly curbline of Maplewood Avenue, running 44 feet in an easterly direction along the curve of Vaughan Street.

129. Washington Street:

- a. westerly side, from State Street to a point ~~300~~ 340 feet south of the intersection of Court Street.

B. No Parking - School Zones

Parking shall be prohibited within the following areas:

- ~~1. Austin Street: both northerly and southerly sides beginning at the intersection of Winter Street and proceeding in a general easterly direction a distance of approximately 176 feet, between the hours of 7:00 a.m. — 4:00 p.m. on days when school is in session.~~

E. Amend: Chapter 7, Article III – TRAFFIC ORDINANCE, Section 7.346: No Through Traffic

Section 7.346: NO THROUGH TRAFFIC:

No person shall operate any vehicle on the following streets or ways unless that vehicle has a point of origin or a point of destination on that street or way, except that emergency vehicles may operate in emergency situations during the necessary performance of public duties:

- ~~1. Austin Street, between Winter Street and Summer Street, during the hours of 7:30 a.m. to 3:30 p.m. when school is in session;~~

F. Amend: Chapter 7, Article IV – OFF STREET PARKING AREAS, Section 7.402: Areas Established, Designated, and Described

Section 7.402: AREAS ESTABLISHED, DESIGNATED, AND DESCRIBED:

A. Bridge Street Off-Street Parking Area

The following area, to be known as the Bridge Street Off-Street Parking Area, is hereby established for the off-street parking of motor vehicles. Said area is more particularly bounded and described as follows:

Beginning at a point at the intersection of ~~the new~~ Maplewood Avenue, ~~so-called,~~ and Islington Street, thence running in a generally northerly direction along said Maplewood Avenue to the intersection of Hanover Street; thence turning at a right angle and running in a westerly direction along said Hanover Street to Bridge Street; thence turning at a right angle and running in a generally southerly direction along said Bridge Street to the intersection of Islington Street; thence turning at a right angle and running in a generally easterly direction along said Islington Street to point of beginning.

All of said area in the Bridge Street Off-Street Parking Lot is designated as a parking meter zone. All off-street area within the Bridge Street Off-Street Parking Lot is hereby designated as a ~~two~~**four**-hour parking zone ~~except as follows:~~

- ~~1. All spaces located anywhere in the lot westerly of the 15th space on the Bridge Street side of the lot, counted from Islington Street which shall be designated and marked "four hour maximum parking limit."~~

G. Amend: Chapter 7, Article IVA – BUS STOPS; **AND TAXICAB STANDS & HORSE DRAWN CARRIAGES**, Section 7A.405: School Bus Loading/Unloading Zone

~~Section 7A.405: SCHOOL BUS LOADING/UNLOADING ZONE:~~

- ~~A. Marey Street: In front of Children's Museum from 9:30 a.m. to 1:00 p.m. Monday through Friday only.~~

H. Amend: Chapter 7, Article IVA – BUS STOPS; **AND TAXICAB STANDS & HORSE DRAWN CARRIAGES**, Section 7A.406: Horse Drawn Carriages

~~Section 7A.406: HORSE DRAWN CARRIAGES~~

~~There is hereby established an area comprised of two parking spaces on the westerly side of Pleasant Street directly adjacent to Congress Street to be marked "Reserved for Horse and Carriage", Monday through Friday, 6 p.m. to 10 p.m., Saturday and Sunday, 12 p.m. to 10 p.m. In addition to any other penalty provided by law, vehicles parking in that location in contravention of this limitation shall be subject to towing by the City with the costs to be borne by the owner of the vehicle.~~

I. Amend: Chapter 7, Article X – TOWING, Section 7.1001: Tow Zones

Section 7.1001: TOW ZONES

- A. The following areas are designated as tow zones:
1. ~~Alumni~~ **Andrew Jarvis** Drive (southerly side)
-

J. Amend: Chapter 7, Article X – TOWING, Section 7.1004: Towing Or Immobilization Of Motor Vehicles For Non-Payment Of Parking Fines

Section 7.1004: TOWING OR IMMOBILIZATION OF MOTOR VEHICLES FOR NON-PAYMENT OF PARKING FINES

3. **ILLEGALLY PARKED:** The term "illegally parked" as used in this particular section and all other sections concerning **PARKING** in the Ordinances of the City of Portsmouth shall mean:

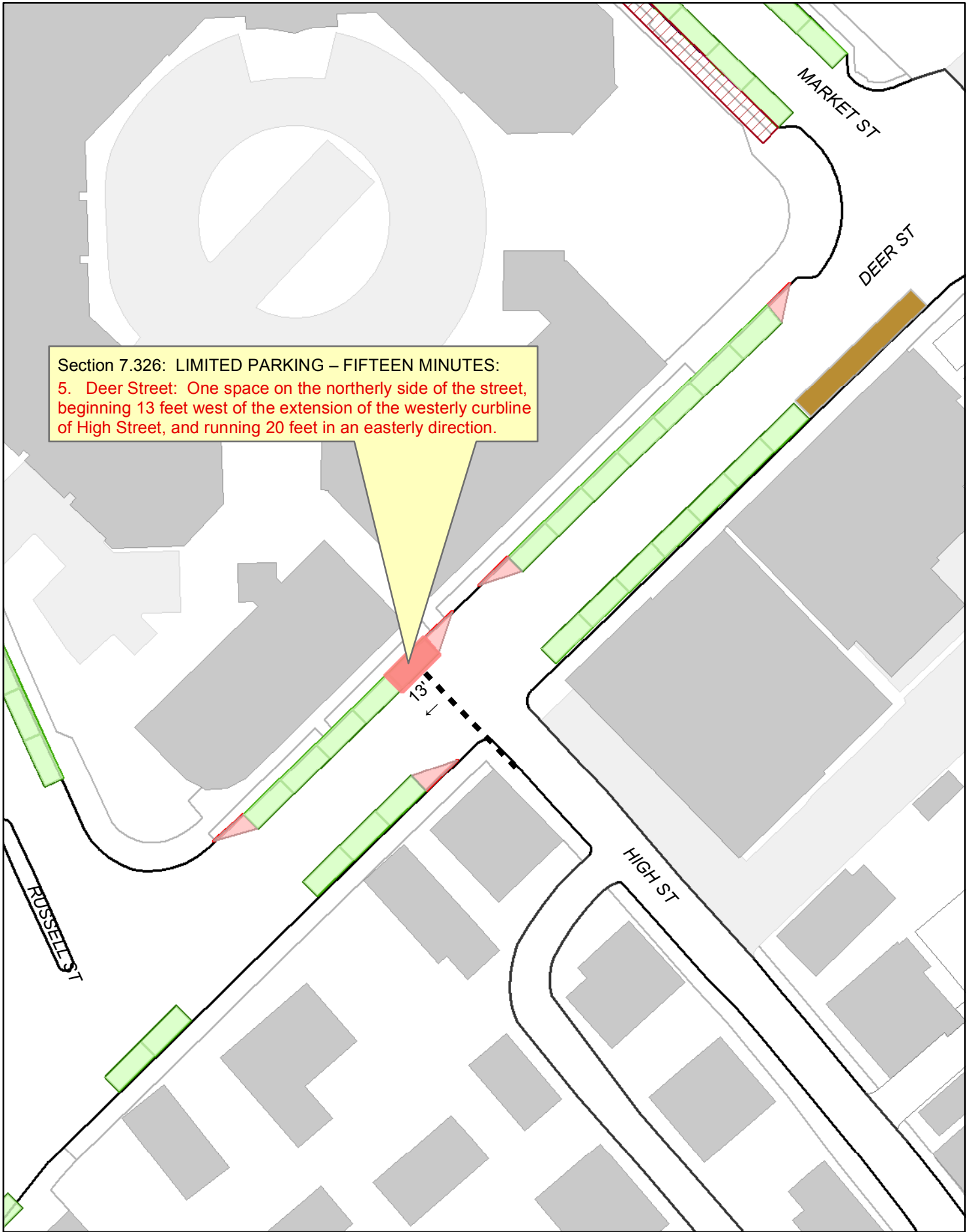
Any motor vehicle which is parked beyond the time limit for which money has been deposited in the metered space occupied by that particular motor vehicle, any vehicle parked beyond the time limit permitted in a restricted time free parking area, any vehicle parked beyond the time permitted at a restricted time-metered parking space, any vehicle parked in a designated no-parking zone, and any vehicle although legally parked, which on that particular date and time, has accumulated five or more unpaid parking violations or which has accumulated unpaid parking violations in an amount in excess of ~~\$75~~ **one hundred twenty-five dollars (\$125.00)** on any or all vehicles at any time registered to the owner of said vehicle as shown on the records maintained by the Parking Clerk.
4. **NOTICE:** At any time subsequent to the accumulation of unpaid parking fines in excess of one hundred twenty-five dollars (\$125.00) on any or all vehicles at the time registered to the owner of any vehicle on the records maintained by the Parking Clerk, the Parking Clerk may send a Notice by certified mail to the registered owner of said vehicle or vehicles at the address on the registration.

6. TOW OR IMMOBILIZATION LIST: The Parking Clerk shall maintain a list of vehicles which are subject to being towed and held in storage or immobilized by a mechanical device pending final resolution of unpaid parking violations. Contained on this list shall be all motor vehicles for which the notice specified in Article **D 4** above was provided. Motor Vehicles shall not be placed on the said list in the event that the Parking Clerk, after hearing, orders otherwise, or in the event that the fine is paid in full for all of the violations contained in the notice mailed.
7. TOWING/STORAGE OR IMMOBILIZATION: Upon the determination that any vehicle which is listed on the Tow or Immobilization List pursuant to Article **F 6** above is parked on any public way or in any municipal parking lot, the car may be immobilized or may be towed and stored.
8. RELEASE OF TOWED OR IMMOBILIZED VEHICLES; REMOVAL FROM LIST: Motor Vehicles may be removed from the Tow or Immobilization List, released from storage after towing or may have immobilization devices removed in the following manner:
 - (1) By order of the Parking Clerk after hearing;
 - (2) By payment in full of all parking fines attributable, arising out of the violations contained in the notice issued pursuant to Article **D 4** above;
 - (3) By posting a cash bond with the Parking Clerk in any amount sufficient to make payment in full of all parking fines arising out of the violations contained in the notice issued pursuant to Article **D 4** above to allow a judicial determination of the violations pursuant to State law;

K. Amend: Chapter 7, Article XVIII – ELECTRIC VEHICLES, Section 7.1801: Use of Electric Vehicle Charging Station Parking Spaces

Section 7.1801: USE OF ELECTRIC VEHICLE CHARGING STATION PARKING SPACES

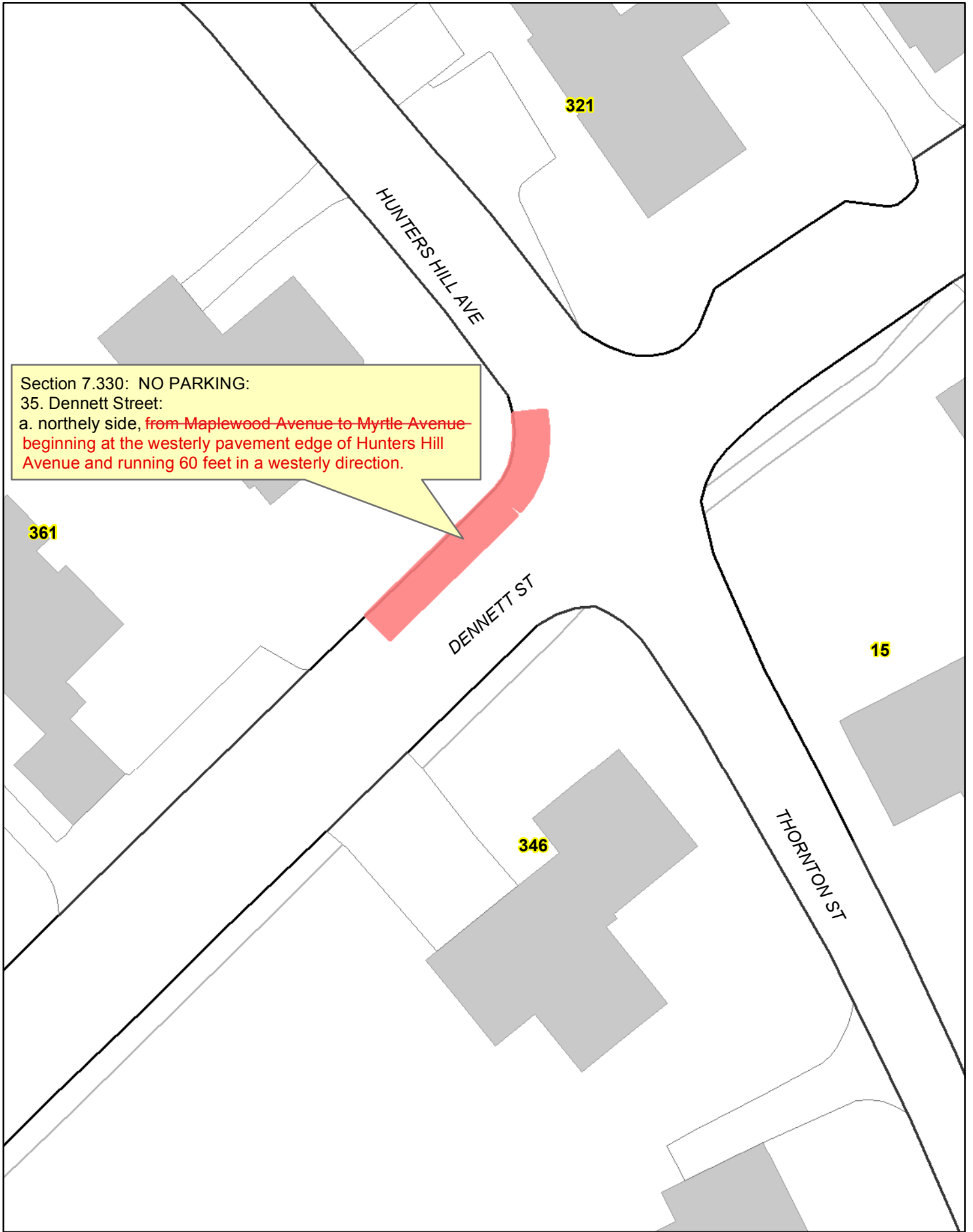
Electric Vehicle (EV) Charging Stations are located in the High Hanover Parking Garage and the City Hall Lower Lot. There are two parking spaces adjacent to each EV Charging Station that are reserved for the exclusive use of Electric Vehicles. Electric Vehicles shall be actively charging while occupying these EV Charging Station Parking Spaces. Any Electric Vehicle occupying an EV Charging Station Parking Space that is not actively charging, or charging for more than 4 hours, shall be considered as illegally parking. Any vehicle other than an Electric Vehicle parking in these EV Charging Station Parking Spaces shall be considered as illegally parking. Electric Vehicles are subject to all rules, regulations and fees of the associated parking area in which the EV Charging Stations and Parking Spaces are located.



Section 7.326: LIMITED PARKING – FIFTEEN MINUTES:
5. Deer Street: One space on the northerly side of the street, beginning 13 feet west of the extension of the westerly curbline of High Street, and running 20 feet in an easterly direction.

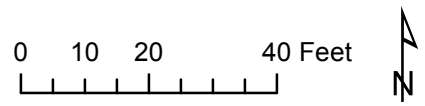
**Limited Parking 15 minutes
Portsmouth, New Hampshire**

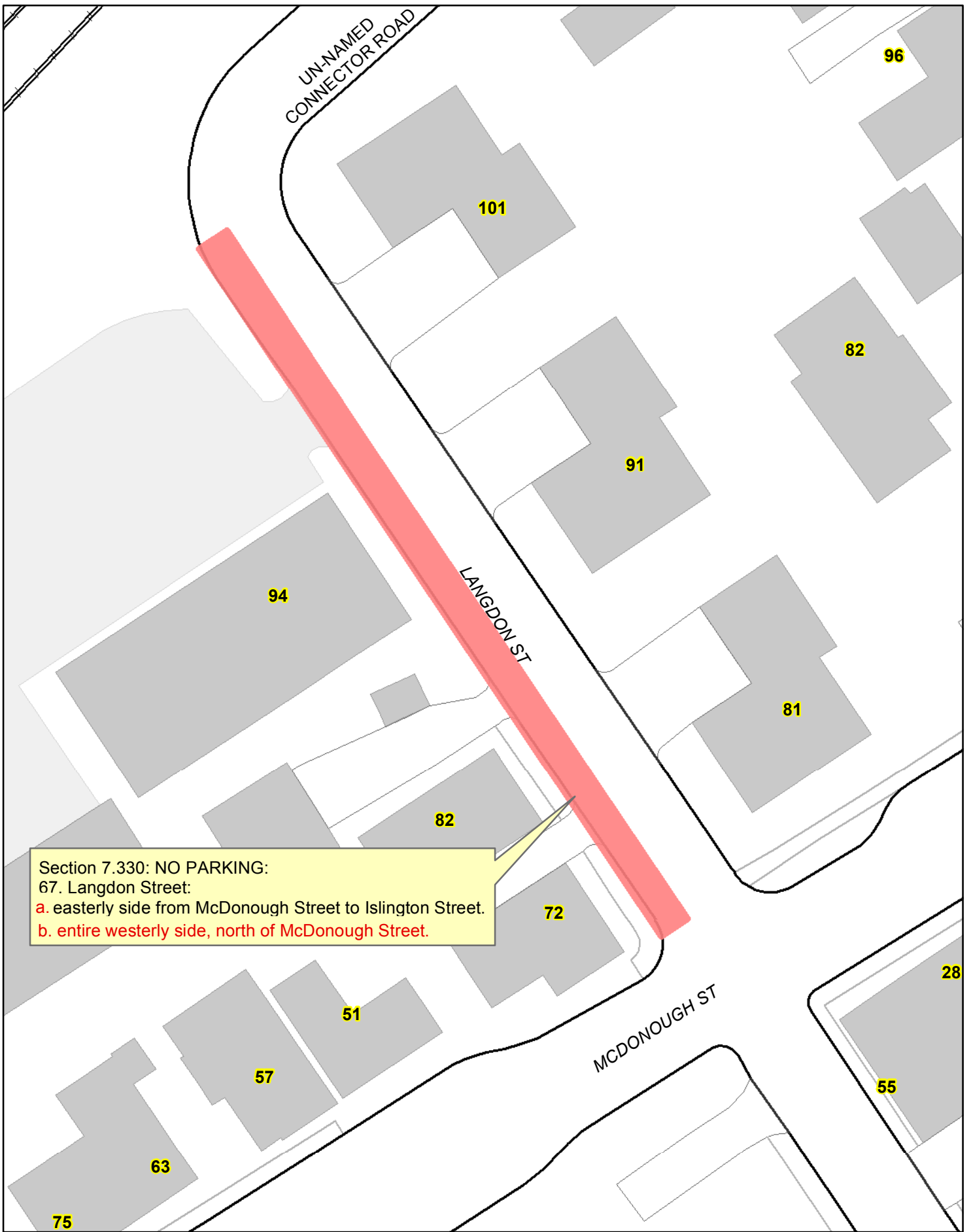




**Dennett Street No Parking
Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 08 May 2018
Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2018_05_14

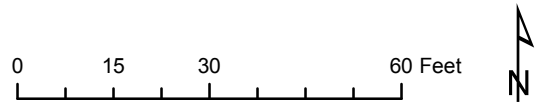


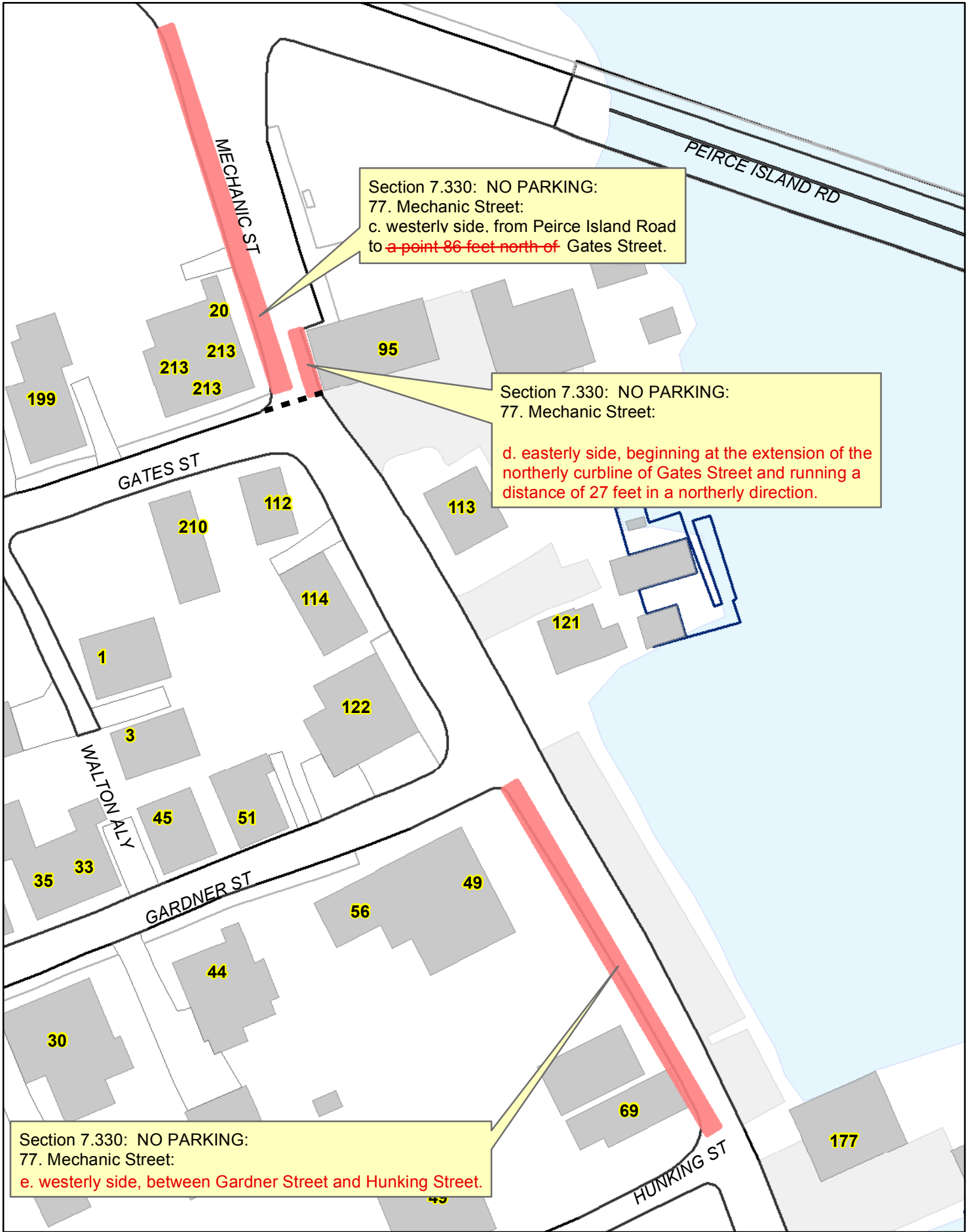


Section 7.330: NO PARKING:
67. Langdon Street:
a. easterly side from McDonough Street to Islington Street.
b. entire westerly side, north of McDonough Street.

**Langdon Street No Parking
Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 08 May 2018
Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2018_05_14





**Mechanic Street No Parking
Portsmouth, New Hampshire**



Section 7.330: NO PARKING:

104. Raynes Avenue, southerly side, beginning at a point 192 feet east of the easterly curbline of Maplewood Avenue and running easterly to the end of Raynes Avenue.

Section 7.330: NO PARKING:

127. Vaughan Street:

b. southerly side of Vaughan Street, beginning 345 feet west of the extension of the easterly curbline of Green Street, running westerly to the end of Vaughan Street.

Section 7.330: NO PARKING:

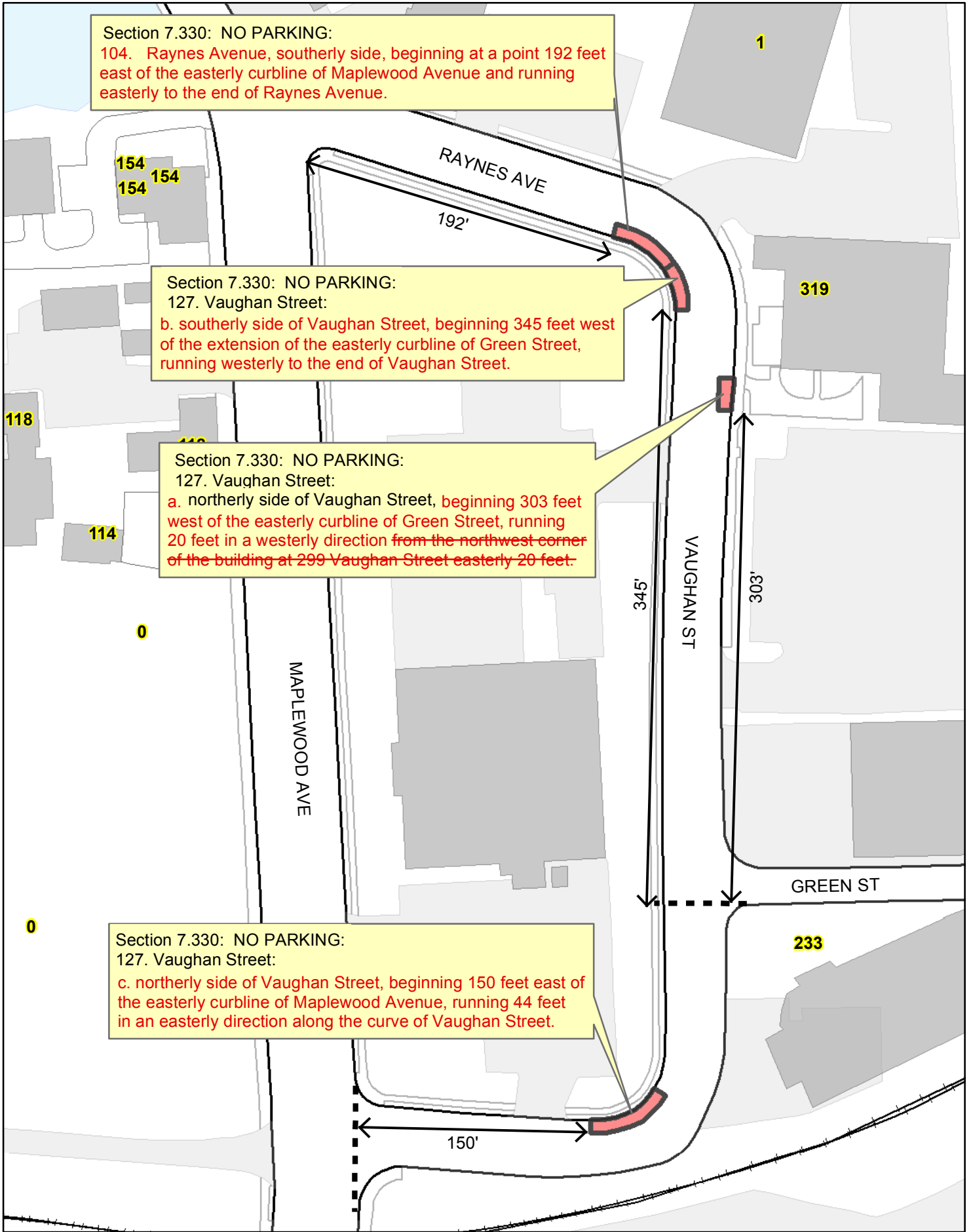
127. Vaughan Street:

a. northerly side of Vaughan Street, beginning 303 feet west of the easterly curbline of Green Street, running 20 feet in a westerly direction from the northwest corner of the building at 299 Vaughan Street easterly 20 feet.

Section 7.330: NO PARKING:

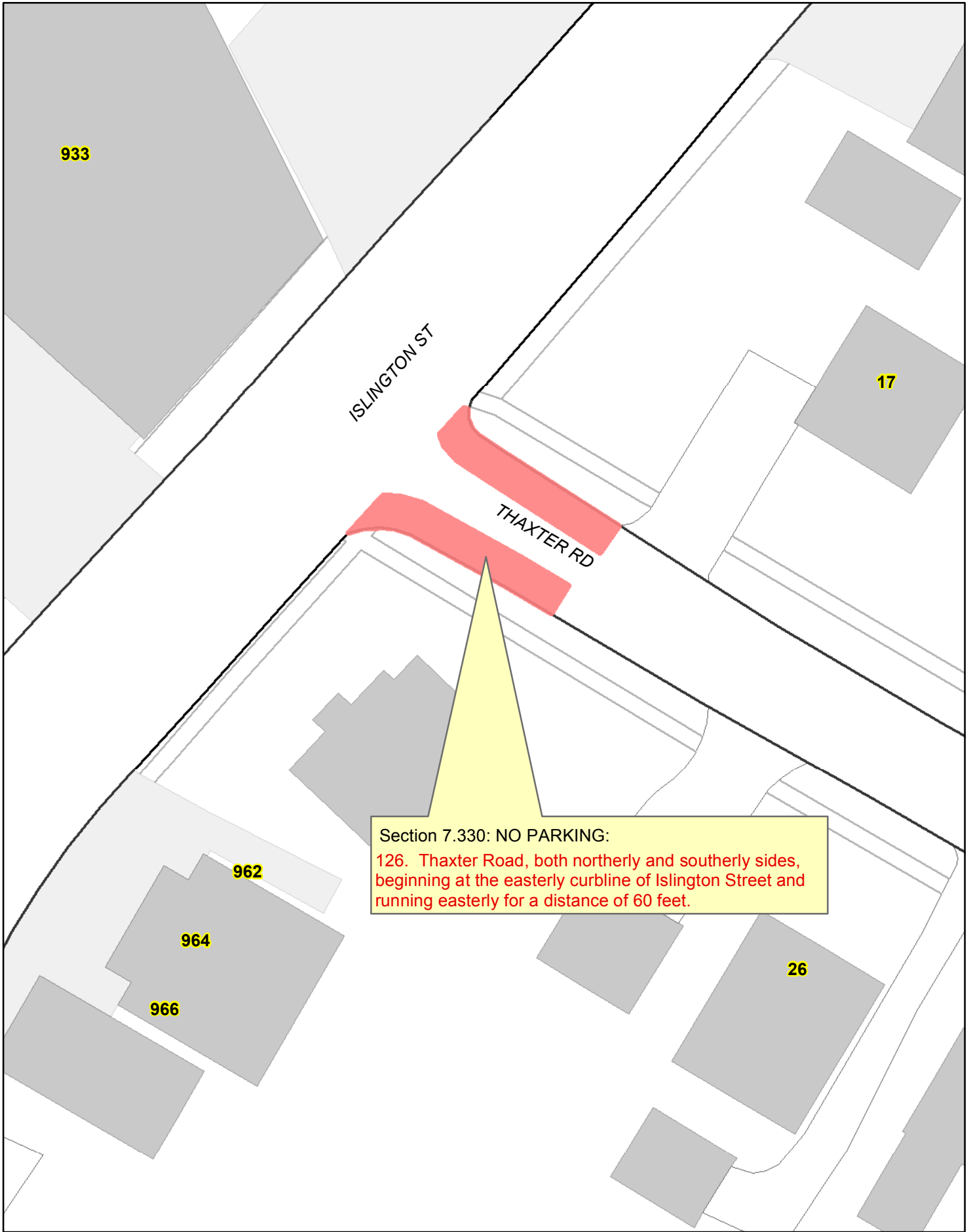
127. Vaughan Street:

c. northerly side of Vaughan Street, beginning 150 feet east of the easterly curbline of Maplewood Avenue, running 44 feet in an easterly direction along the curve of Vaughan Street.



Raynes Avenue & Vaughan Street No Parking Portsmouth, New Hampshire

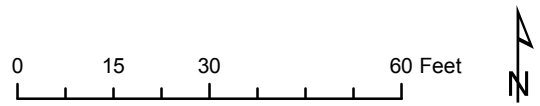


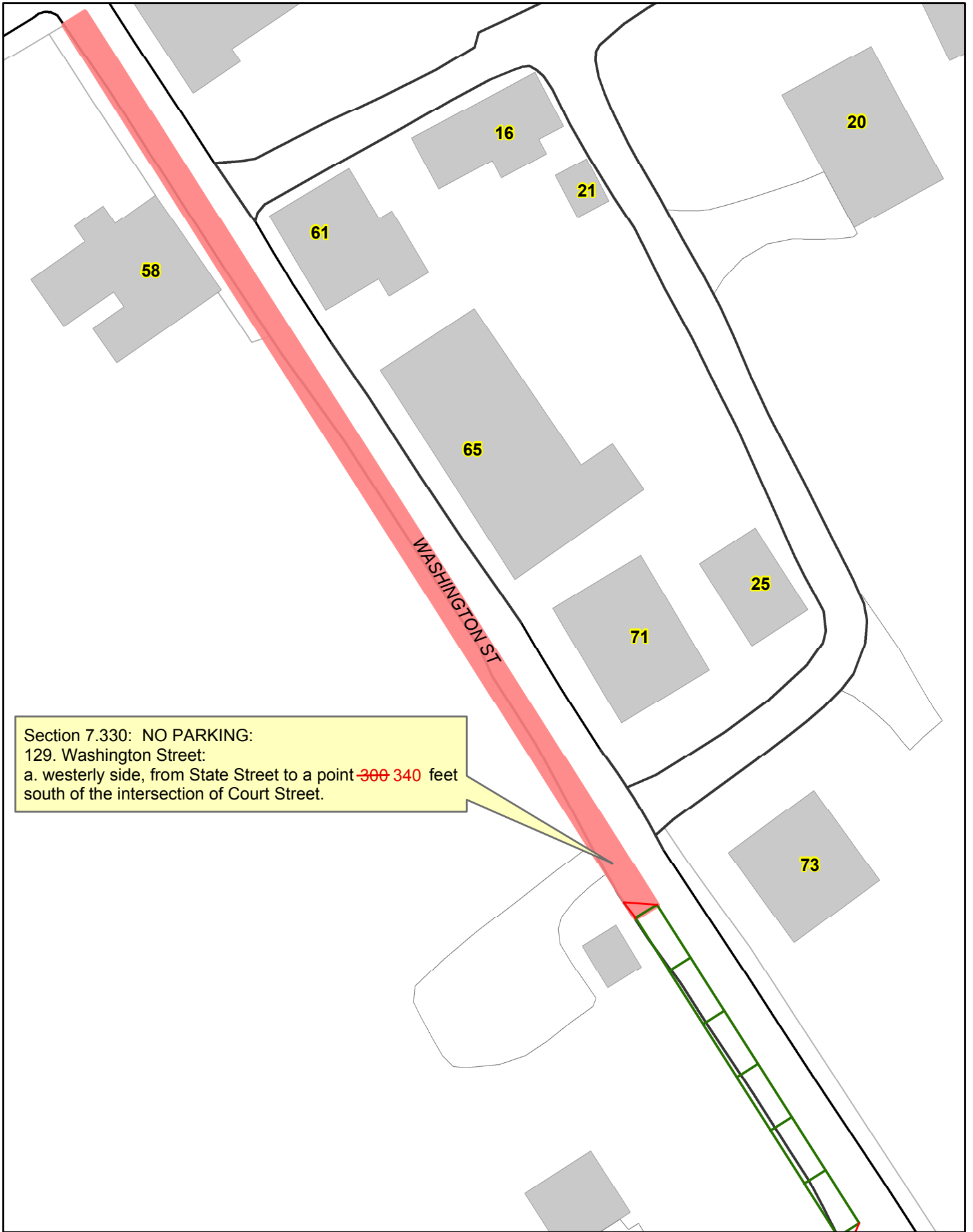


Section 7.330: NO PARKING:
126. Thaxter Road, both northerly and southerly sides, beginning at the easterly curbline of Islington Street and running easterly for a distance of 60 feet.

**Thaxter Road No Parking
Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 08 May 2018
Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2018_05_31

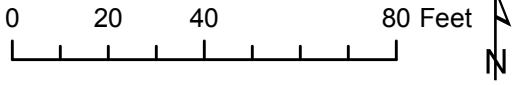




Section 7.330: NO PARKING:
129. Washington Street:
a. westerly side, from State Street to a point ~~300~~ 340 feet south of the intersection of Court Street.

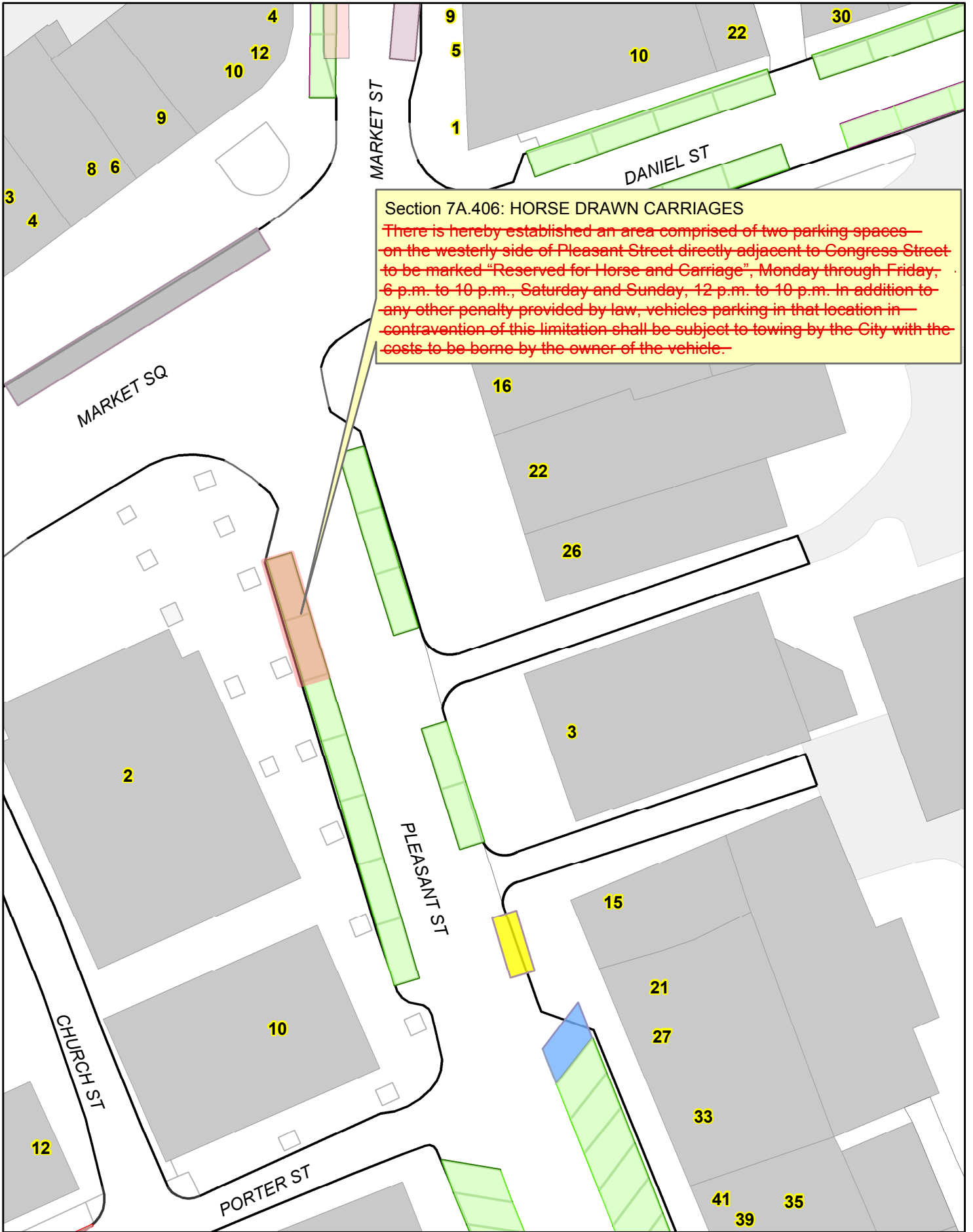
**Washington Street No Parking
Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 08 May 2018
Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2018_05_08



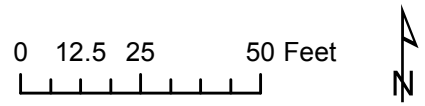
Section 7A.406: HORSE DRAWN CARRIAGES

~~There is hereby established an area comprised of two parking spaces—on the westerly side of Pleasant Street directly adjacent to Congress Street to be marked “Reserved for Horse and Carriage”, Monday through Friday, 6 p.m. to 10 p.m., Saturday and Sunday, 12 p.m. to 10 p.m. In addition to any other penalty provided by law, vehicles parking in that location in contravention of this limitation shall be subject to towing by the City with the costs to be borne by the owner of the vehicle.~~



**Horse Drawn Carriages
Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 08 May 2018
Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2018_05_08



MEMORANDUM

TO: John Bohenko, City Manager

FROM: Juliet T. H. Walker, Planning Director *JTW*

DATE: June 19, 2018

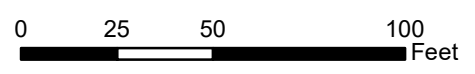
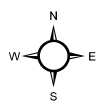
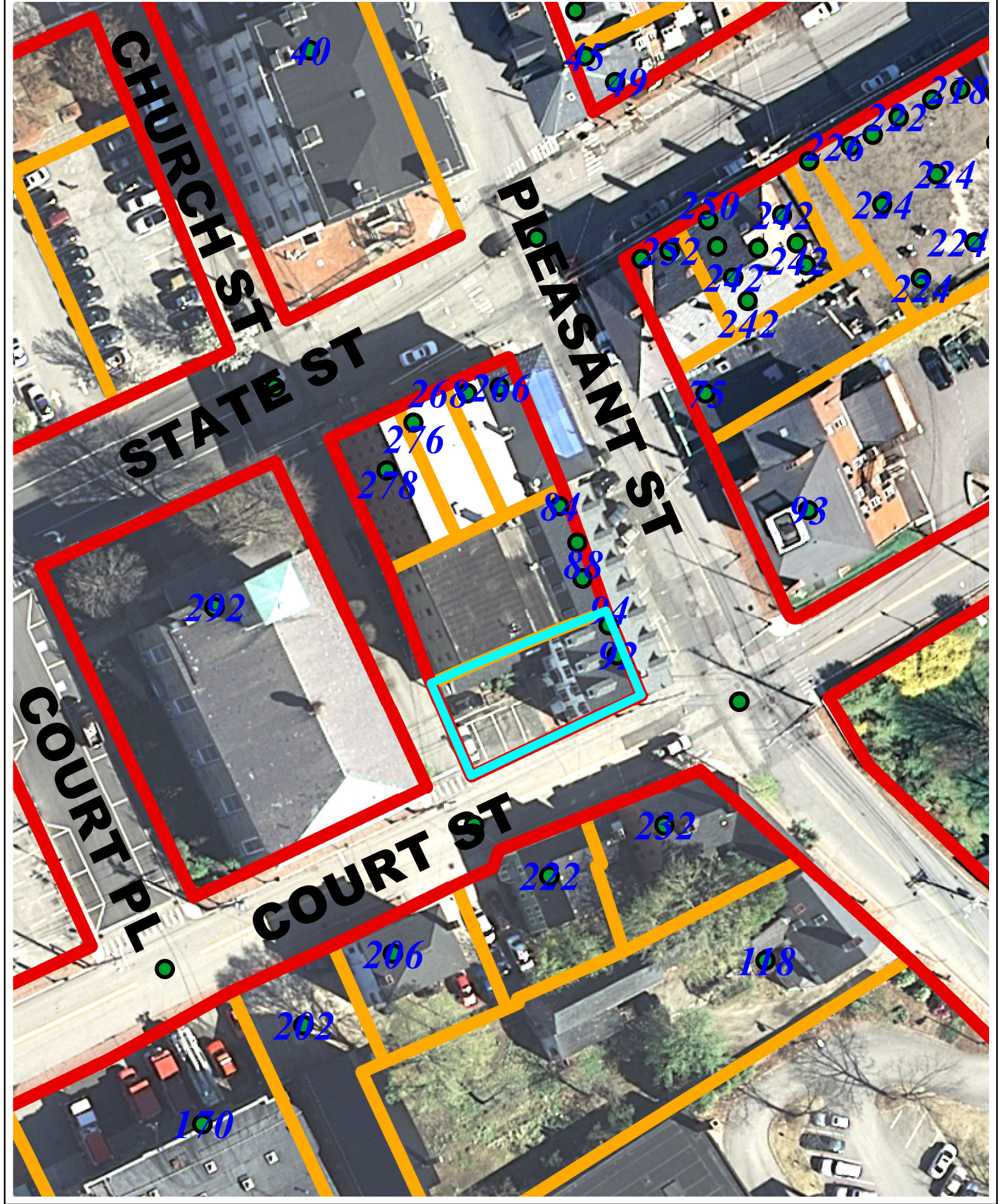
RE: City Council Referral – Projecting Sign
Address: 92 Pleasant Street (Unit 1A)
Business Name: Sloop
Business Owner: Sabrina Velandry

Permission is being sought to install a projecting sign that extends over the public right of way, as follows:

Sign dimensions: 32" x 32"
Sign area: sq. ft. 7

The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:

1. The license shall be approved by the Legal Department as to content and form;
2. Any removal or relocation of the sign, for any reason, shall be done at no cost to the City; and
3. Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works.



Map produced by Planning Department 6-18-18

**Request for license
92 Pleasant Street**

32 inches

32 inches



The logo features the word "Sloop" in a large, bold, red sans-serif font. A blue, curved graphic element resembling a sail or a roofline is positioned above the "l" and "o"s. Below "Sloop" is the text "Yacht Brokerage & Marketing" in a smaller, grey, sans-serif font.

Sloop
Yacht Brokerage & Marketing



Sloop

MINT Bou...

M E M O R A N D U M

TO: John Bohenko, City Manager

FROM: Juliet T. H. Walker, Planning Director *JTW*

DATE: June 25, 2018

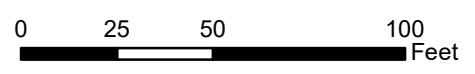
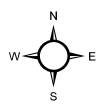
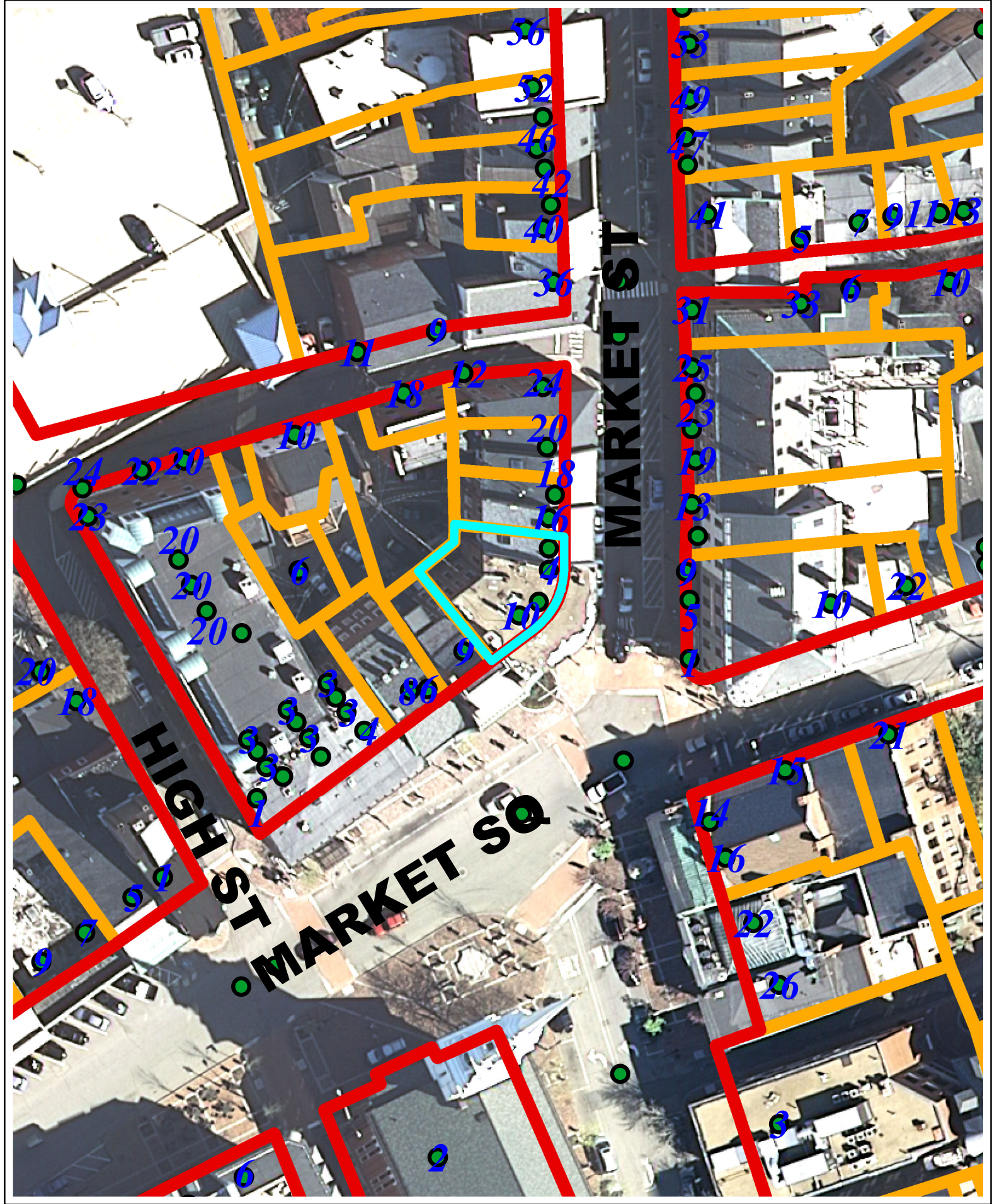
RE: City Council Referral – Projecting Sign
Address: 10 Market Square
Business Name: One Day in July
Business Owner: Paul Barry

Permission is being sought to install a projecting sign that extends over the public right of way, as follows:

Sign dimensions: 32" x 36"
Sign area: sq. ft. 8

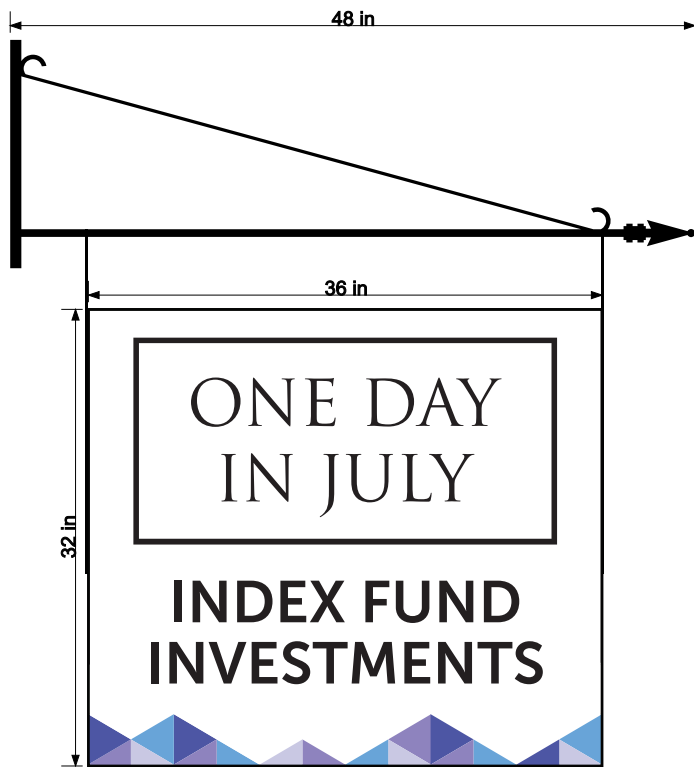
The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:


1. The license shall be approved by the Legal Department as to content and form;
2. Any removal or relocation of the sign, for any reason, shall be done at no cost to the City; and
3. Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works.



Map produced by Planning Department 6-25-18

**Request for license
10 Market Square**



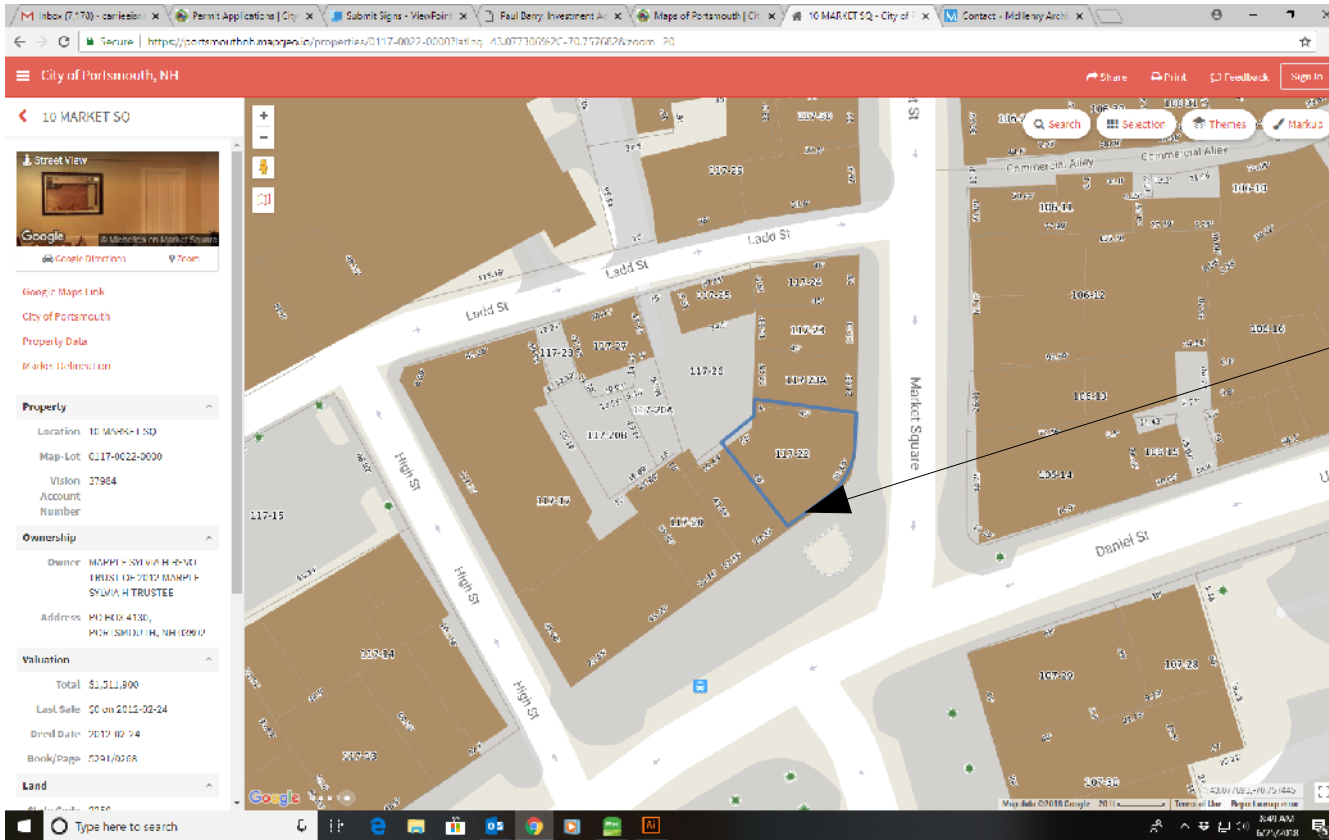
 <p>PortsmouthSign.com 603-436-0047</p>	<p>REVISION: All orders under \$250 include 1 revision only. All orders over \$250 include 3 revisions only. Additional revisions will be charged at \$25 per revision.</p> <p>PLEASE NOTE: Designs are NOT actual size and color may vary depending on printer and/or monitor.</p>	<p>5/14/18</p> <p>I understand this Order Form is the final production order and replaces all previous drawings, notes and verbal instructions to this job. Standard vinyl & paint colors will be used. Custom colors and specific matches to PMS colors will be an additional fee. I have carefully reviewed this form and verify that it contains all necessary specifications and represents my order. I authorize fabrication according to this approval.</p> <p>SIGNATURE: _____</p>	<p>RETURN SIGNED TO: service@portsmouthsign.com</p> <p>Date: _____</p>
---	---	--	---

©COPYRIGHT 2017, BY PORTSMOUTH SIGN COMPANY. All designs and custom artwork remain the property of Portsmouth Sign Company until the order is complete and paid in full.


<p>Shop Use Only</p>	<p>Qty: SS <input type="checkbox"/> DS <input type="checkbox"/></p>	<p>Materials:</p>	<p>Background Color:</p>	<p>Vinyl Color: HP <input type="checkbox"/> Int <input type="checkbox"/></p>	<p>Other:</p>
----------------------	---	-------------------	--------------------------	--	---------------

Member of:





One Day In July, 4 Market Street, Sign placement

 PortsmouthSign.com 603-436-0047	REVISION: All orders under \$250 include 1 revision only. All orders over \$250 include 3 revisions only. Additional revisions will be charged at \$25 per revision.	6/25/18 I understand this Order Form is the final production order and replaces all previous drawings, notes and verbal instructions to this job. Standard vinyl & paint colors will be used. Custom colors and specific matches to PMS colors will be an additional fee. I have carefully reviewed this form and verify that it contains all necessary specifications and represents my order. I authorize fabrication according to this approval.	RETURN SIGNED TO: service@portsmouthsign.com
	PLEASE NOTE: Designs are NOT actual size and color may vary depending on printer and/or monitor.	SIGNATURE: _____ Date: _____	



©COPYRIGHT 2017, BY PORTSMOUTH SIGN COMPANY. All designs and custom artwork remain the property of Portsmouth Sign Company until the order is complete and paid in full.

Shop Use Only	Qty:	Materials:	Background Color:	Vinyl Color:	Other:
	SS <input type="checkbox"/> DS <input type="checkbox"/>			HP <input type="checkbox"/> Int <input type="checkbox"/>	



June 28, 2018

Mr. John Bohenko
City Manager
1 Junkins Avenue
Portsmouth, NH 03801

Dear Mr. Bohenko –

We are writing today on behalf of Bottomline Technologies, located at 325 Corporate Drive, Portsmouth as we have received approval from the Pease Development Authority to host another 5K. Our beneficiary for the event is Court Appointed Special Advocates (CASA) of New Hampshire. We have secured approval from the Pease Development Authority to host the event on September 23rd at 10:00am, utilizing the same race route as last year. As one of the primary resources offering to coordinate the event, we'd like to gain your approval, and with that reach out to the Police Captain to get Police Detail scheduled. We would be more than happy to set up a meeting at your convenience to discuss this further.

Thank you in advance for your consideration and we look forward to hearing from you soon.

We can be reached via email/phone
htennent@bottomline.com or 603-501-6653
jnevejans@bottomline.com or 603-501-6185

Kind regards,

Holly Tennent and Jylle Nevejans

CITY COUNCIL E-MAILS

June 19 – July 6, 2018 (8:00 a.m.)

JULY 9, 2018 CITY COUNCIL MEETING

Updated 07/09/2018 (1:00 p.m.)

New Content begins on Page 11

Below is the result of your feedback form. It was submitted by Ruth Ganev (Ruthella@hotmail.com) on Thursday, June 21, 2018 at 09:45:27

address: 80 Fleet Street, Unit 29

comments: Dear council members,

I am very dismayed and disappointed with yet another rate increase at the Hanover Street Garage. This is, I believe, the 3rd year in a row that the rate for residents is being raised at a very large percentage. We are a family of 3 living in downtown Portsmouth and have virtually no other option for parking. We have 2 cars. For us this recent rate increase will be \$50 a month which is a sizable increase. Last year it was also \$50. The year before, was \$70. I understand that parking is at a premium, but do you really have to punish your residents so harshly, as well as giving pretty much no warning? This just seems like gauging to me. You have plenty of business, plenty of tourists visiting the city, so raise the rates and too bad for the people living here!! Not only do the rates get larger, but it becomes increasingly more difficult for us to get spots with the increase of visitors to Portsmouth. You, at the very least, should have permanent spots for the residents that pay to park in the garage. Portsmouth has no resident parking unlike Boston. We are left with no other choice. I would hope that you would reconsider your vote for people who live in Portsmouth and not turn your backs on us.

Sincerely,

Ruth Ganev

includeInRecords: on

Below is the result of your feedback form. It was submitted by Stella Smith (stellabosmith@gmail.com) on Sunday, June 24, 2018 at 10:30:47

address: 304 Cabot Street,

comments:

Dear City Councilors

June, 2018

I am writing in regard to the proposed rezoning of the 10+ acre parcel of land located at 105 Bartlett St from a OR designation to a CD4-W, and/or CDW-L2 zoning.

This property is the last remaining large parcels of land that has a combination of open space and waterfront on a tidal sensitive wetlands water body. The proposal of of Clipper Traders LLC to create high

density housing on this property, concentrating the highest density of the buildings on Lot 5 brings into controversy many of the goals set forth from the 2025 master plan of Portsmouth created in 2017.

I am asking as a abutter within a small residential neighborhood, McDonough St. Neighborhood, that the when the council reviews and makes a decision in regard to this property, that you follow the master Plan 2025 in viewing this rezoning application.

This property should not be allowed to be blocked together in a single rezoning decision. Lots 1,2,3,4 have all had industrial use and buildings and therefore fall into a reasonable request of rezoning from OR to CD4-W. However, Lot 5, the largest unbroken parcel, abuts to existing neighborhoods and if rezoned, should be rezoned to reflect the character, water views and character of the both neighborhoods, Clinton St, GRC, and McDonough St. Neighborhood in regard to the massing and height limits.

Lot 5 should be zoned to a maximum of CDW-L2 with all water view corridors on every street to continue to have water views, as per the outline of the masterplan 2025 as set forth in 2017. Much more public discussion should be allowed prior to such a monumental rezoning case.

“The purpose of the master plan is to set down as clearly and practically as possible the best and most appropriate future development of the area under the jurisdiction of the planning board, to aid the board in designing ordinances that result in preserving and enhancing the unique quality of life and culture of New Hampshire, and to guide the board in the performance of its other duties in a manner that achieves the principles of smart growth, sound planning, and wise resource protection. “

Please when making the decision to rezone this, consider that your actions, as elected officials, will change the landscape of this area for the next 50-100 years. There has never been a building on this land and although I keep hearing that Portsmouth needs more housing stock, I do not believe that condos that will sell for \$700,000 and above or rent for \$2,000 per month is filling the needs of the people who want to live, work and play as stated in the opening.

Clipper Traders LLC presented the public with a brief 3D model showing only the building masses in contrast to surrounding neighborhoods. They did not show how all of the elements of buildings, sidewalks, roads, and greenways will fit into the narrow strip of land most in particular Lot 5.

As part of the public, and just a lay person, it is difficult to balance full time work, family and social issues, in order to voice requests for more understanding of this project and its scope, scale and impact on multiple issues including but not limited to:

A) Increased traffic congestion on Bartlett St.

MP 2025 Pg 157

low impact development standards improve the sustainability and comfort of neighborhood roads.

B) Future Costal Flooding zones

MP 2025 Pg 92 5.5.1

Incorporate sea level rise projections based the on up-to-date state of the art dynamic models into adaptation planning and land use regulations.

C) Loss of water views for many residential houses that have been in existence for 150+ yrs.

MP 2025 AUTHENTIC

2.1 Ensure that new development complements and enhances it surroundings.

2.1.1 Implement standards and guidelines to protect the character and longevity of buildings in individual neighborhoods.

2.2.1 Identify and protect scenic road corridors and priority views of the waterfront and historic structures

MP 2025 Pg 52

Authentic new development would be sensitive to scale, massing and volume of its surrounding context while providing exciting spaces for modern day uses, amenities and

D) Increased pollution, sound, light and disruption of wildlife habitat.

MP 2025 Pg 30 GOAL DESCRIPTION

Ensure that biking and walking are safe, convenient and affordable throughout the city.
Protect and enhance the integrity of historic landmarks, cherished views and open space.
Address the housing needs of low and middle income residents.

Mitigation of contaminated soil therefore increasing costs, leading to higher density, higher priced units.
No guarantee of a connected greenway, due to DES foresee able issues, soil contamination, future costal flooding issues, or land purchase agreements.
Work force housing unmet.

I fully understand that the city would like to have a greenway along the north mill pond, and is looking to increase the housing stock. However, at what loss to the abutting neighbors many who have lived in Portsmouth more then 20 years. Once the parcel of 10 + acres has been rezoned, any developer current or future is required to remain only within the zoning parameters. Building designs, density and price per unit will be calculated by elements that are yet unforeseen.

We as the concerned public are constantly told that many of our questions and concerns are for the planning board, not for the rezoning issue.

I ask then that each of you when voting, consider having a building of 55 feet placed within 30 feet of your living, kitchen or bedroom window, where outdoor balcony and human activity would turn your HOME, into a fish tank, you being inside, while being impacted 24/7 by light, vehicle and noise pollution all of which will occur.

Lot 5 should not be allowed to be zoned CD4-W. Lot 1,2,3,4 are all within the historic industrial uses and should be allowed to be zoned in this light, but Lot 5 abuts not one but two existing neighborhoods and going back again to the master plan 2025, any new development should be relevant to the existing surrounding neighborhoods.

It is not the responsibility of the city councilors to ensure that a developer or any other entity profit from the rezoning, but to follow the goals of the master plan to create a future city where the past and the future blend in harmony, allowing for diversity and housing for people who choose to live, work and play in Portsmouth.

MP 2025

Portsmouth's many neighborhoods

have unique and valuable characters that deserve protection. Where residents wish to see change, new development should be reviewed to ensure compatibility with neighborhood character and scale. Empowering residents to review projects is essential to an open and transparent process. Design review of new buildings is an appropriate step for a community with as much concern for character. Likewise, public investment should respect community quality and character as well as anticipate future impacts of climate change. Metrics to ascertain progress towards this goal could include statistics on projects that receive design review or areas of the city that have enhanced review procedures such as character districts.

2.1.1

Implement standards and guidelines to protect the character and longevity of buildings in individual neighborhoods.

2.1.3

Adjust residential zoning standards to ensure integrity of existing neighborhood development patterns.

In conclusion, I ask that a vote on this decision of rezoning be delayed until more information can be gathered by the public in regard to the many issues of which we have concerns. If a vote is motioned then I ask that regarding Lot 5, a rezoning from OR to CDW-L2 be approved.

Thank you all for your time and efforts involved in all aspects of public service.

Sincerely,
Stella Smith M.Ed.
Property Owner
Cabot Street
Portsmouth, NH

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Joe & Kathy Famularo (famularoj@gmail.com) on Sunday, June 24, 2018 at 17:50:42

address: 141 Mill Pond Way Unit 3

comments: As residents on the North Mill Pond, I request that my City Council NOT allow CD4-W zoning in the area along McDonough St. We ask that you work to better the character of the North Mill Pond neighborhoods, by allowing only residential use in the McDonough St area.

Thank you.

Regards,
Joe & Kathy Famularo

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Rachel Rioux (Drioux11@yahoo.com) on Sunday, June 24, 2018 at 18:33:41

address: McDonough St

comments: Lot 5 should only be zones GRA from Great Bay Brewery to Langdon St. NOT CD4W! I have lived on McDonough St. Over 35 years. This zoning is not in the best interest of the neighborhood and it's integrity.

includeInRecords: on

Engage: Submit

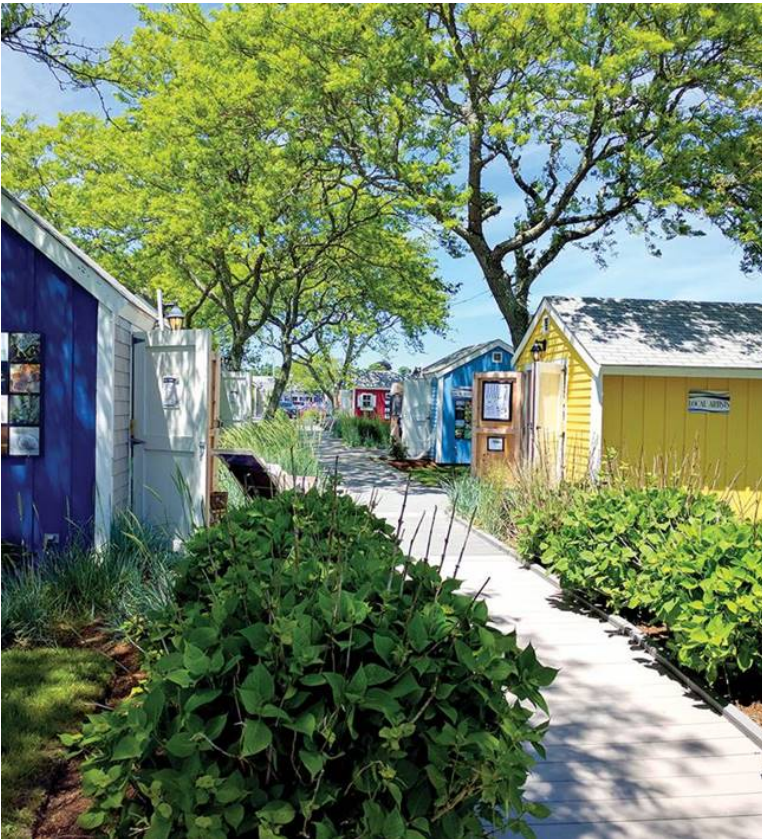
Portsmouth City Council Members:

It is my understanding that the City Council has jurisdiction over how the Sheafe warehouse building at Prescott Park is used and by whom. As you may be aware the Gundalow Company used the building this 2018 season as an operating office and exhibit center until June 17 or so. The New Hampshire Arts Association will be using the building for the summer and I believe (but don't quote me) the Gundalow will be returning to use it this Fall.

In my opinion the Gundalow Company should be allowed to use this building all summer. The exhibit that was just taken down (see attached photos) was simply terrific and tells both a historical story and an environmental story extremely well. Visitors and local citizens need access to this knowledge since I have found that many citizens are still not aware of our local history and what risks our regional environment are facing especially given the current Federal Administration. In my opinion our planet is dying a slow death now and if we do not take concrete actions to turn this trend around our grand kids and their kids will not have a planet to enjoy as we do. Some leading climate researchers feel that we will soon be reaching a tipping point – a point of no return. Some believe we are already at this tipping point.

I am a volunteer with the Piscataqua Water Keeper Advisory Board since 2015 and after relocating here in 2015 from another State I have learned a lot about our regional environment and how a degrading environment can risk our economic outlook and how the Piscataqua tidal estuary helps define who we are. We relocated to this area for one major reason alone – the City of Portsmouth. This Gundalow Exhibit tells that story very well and is on par and probably exceeds the best designs we can see at the Smithsonian museums and other similar knowledge transfer institutions.

Arts are also important for our community as well but if the Sheafe building eventually needs to be relocated or worse yet collapses into the Piscataqua River because of raising sea levels or major storms associated with global climate change what will we have achieved? Can't our community find another location for this summer art display? Is it possible to partner with the use of the Tyco Center at Strawberry Banke? Are there other suitable locations? Last Fall in Hyannis Cape Cod we toured an art display that was housed in several permanent buildings with foot prints of about 10/12 x 12/14 feet (see following and: <http://hyartsdistrict.com/visual-arts/art-shanties>). Why not construct such buildings at Prescott Park for this purpose and perhaps they could also be used for other purposes during the non winter months? We do not need to have all of that lawn space at our Park.



Well, give this some thought. Thanks for listening.

John Werner

Email: jwernernjit@gmail.com

Below is the result of your feedback form. It was submitted by Catherine(Kate) Harris (prized@comcast.net) on Thursday, June 28, 2018 at 16:00:04

address: 166 Clinton Street

comments: Dear members of the council,
I would like to address the request of Ed Hayes and Clipper Traders to have what is known as lot #5 of the former railroad property rezoned to CD4-W.
I strongly urge the council to deny this request. For better or worse, this city is rapidly growing. And with that comes the need for more housing. The evidence of that is everywhere in and around the city neighborhoods. The recent pace of that development has been rapid and in my opinion not always mindful of it's surroundings. In the case of lot # 5, which abuts an established residential neighborhood, the zoning request would potentially allow for structures and footprints that would dwarf what's around them. This development project is a massive one. The city needs to ensure that it undertaken in a way that is consistent with area building heights and density and respectful of the surrounding environment.
Sincerely,
Kate Harris

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Mark DeLorenzo (Mark.delorenzo@osram.com) on Monday, July 2, 2018 at 15:58:22

address: 349 Hanover St. #1

comments: Dear Mayor and City Councilors,

I have concerns over the proposal that 105 Bartlett Street parcel be rezoned as CD4-W (Character District 4-W) and CD4-L2 (Character District 4-L2). I'm not fully against it, but I do have concerns about changing the zoning for that area, and the future repercussions it could have. Since many people will be out of town during your next meeting to discuss this (the 2nd reading on July 9th), I'd like to ask that the Council consider postponing any decisions until at least a third reading to allow for more people to attend and provide input.

I also have concerns about the proposed height allowances of the new zoning proposed- and feel that the bonus incentives allow for too high of a maximum height potential compared to the surrounding properties in the abutting areas. I would also like the council to consider lowering the height restrictions to better support the character of the surrounding neighborhood and buildings.

Thank you for your thoughtful consideration of these requests.

Sincerely,

Mark DeLorenzo
349 Hanover St. #1

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Betty Schmid (betty.schmid@gmail.com) on Tuesday, July 3, 2018 at 11:35:47

address: 179 McDonough Street

comments: Dear City Councilors:

Please consider continuing the Public Hearing until at least the Third Reading, so that you can make the most informed decision possible on the proposed zoning change. There are too many unknowns and a quick decision would not be in the City's or the neighborhood's best interest. Our concerns are set forth below, but not limited to:

1. As proposed, this zoning does not fit in with the Master Plan.
2. Why CDW-4 when the petitioner is just asking to build condominiums?
3. Environmental impacts have not been addressed including possible site contamination.
4. Equitable distribution of building heights need to be considered before any zoning is decided. It is just not acceptable that Dover St. to Cabot St. takes the biggest impact of the project.
5. The proposed zoning does not fit with the character of the neighborhood.
6. How are property values of the neighborhood impacted (an appraisal needs to be submitted by the Petitioner)
7. The Greenway makes no sense if our neighborhood has no access.
8. Affordable housing keeps being mentioned-please note this is NOT part of the Petitioner's plan.
9. Storm water & erosion control have not been addressed.
10. A traffic study has not been conducted.

Respectfully submitted:

Betty and Allen Schmid
179 McDonough Street

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by James Beal (jbealfoto@hotmail.com) on Thursday, July 5, 2018 at 10:30:21

address: 286 Cabot St.

comments: Portsmouth City Councilors
2018

July 5th,

Re: 105 Bartlett st Rezoning
Public Hearing

Dear Mayor & City Councilors

I am writing again in regard to the proposed rezoning of the 5 lots of 105 Bartlett St and the public hearing on July 9th. Due to work travel conflicts, I am unable to attend this meeting, but I would like my

letter to go on public record as currently not supporting the request of rezoning to CD4-W for the largest of the parcels, Lot 5.

By no means am I against development, however, as an abutter with a year round water view that could be lost due to the councils decision on this rezoning, I have concerns over the size and scale of this proposed rezoning and potential non human scale building heights and density being requested.

As I have stated in my past letters and in public hearings, the rezoning of these parcels of land is being pushed for by a developer, who is requesting to change the zoning for his financial benefit. The so called proposed benefit to the community is not guaranteed, and impact to abutting residential neighborhoods disastrous.

In regard to this, I refer back to the original letter hand delivered to the major and city council on Feb 13,2018 by the law firm Hoefle, Phoenix, Gormley & Roberts, P.A. In this letter there are various arguments that skew the current zoning of OR.

Page 3 of 70 states " surrounded by CD4-W and other residential zones (exhibit 3), clearly the parcel should not be zoned OR.

Upon further review of this letter, what is not stated is that the zoning that abuts all 5 parcels of 105 Bartlett St is as follows:

less then 15% of the current land is abutted by CD4-W zoning (Bartlett St.),

less then 20% of the current land is abutted by CD4-L2 zoning (Islington St.)

at least 50% of current land is abutted by GRA zoning (Clinton St.) and or NH costal Tidal shoreline (North Mill Pond)

and at least 35% of the land is currently abutted by MRB zoning (McDonough St). neighborhood.

On Page 58 of 70 of the same letter of Feb 13,2018

SUMMARY

1). "current zoning could allow for a use that would need more parking and create more traffic. "

However, not stated is that any OR zoning would require a 200' setback from the shores of North Mill Pond, 200' frontage and 2 acre parcels, therefore eliminating the possibility of 90% of the land in the parcels being developable for that so called heavy traffic & parking issues.

The developers request for the rezoning has the potential to completely block water views of current residential housing that have existed for more then 150 years. The water views and open space views that have existed since Mr. Cabot & Mr. Wybird created this neighborhood in 1840 will forever be removed.

I ask the board to review the Portsmouth Master Plan 2025 in depth and note the many conditions that structure the master plan to build a future city that allows the continued character of neighborhoods that have existed since the early 1850's. See below:

MP 2025

Portsmouth's many neighborhoods

have unique and valuable characters that deserve protection. Where residents wish to see change, new development should be reviewed to ensure compatibility with neighborhood character and scale. Empowering residents to review projects is essential to an open and transparent process. Design review of new buildings is an appropriate step for a community with as much concern for character. Likewise, public investment should respect community quality and character as well as anticipate future impacts of climate change. Metrics to ascertain progress towards this goal could include statistics on projects that receive design review or areas of the city that have enhanced review procedures such as character districts.

2.1.1 Implement standards and guidelines to protect the character and longevity of buildings in individual neighborhoods.

2.1.3 Adjust residential zoning standards to ensure integrity of existing neighborhood development patterns.

Just these two sub articles from the master plan should be enough to make the statement that Lot 5 which is sandwiched between two residential neighborhoods, McDonough St corridor and Clinton St. neighborhood to prove that CDW-4 zoning, nor CDW-L2 works for this zone. A zoning of GRC or GRA or MRB would be more in line with the Master Plan.

As I read over the proposed amendments of the June 4th, 2018 minutes of the city council meeting, I see that with west end incentives, a developer will still be able to build high density, towering "residential" buildings in lot 5.

Although the zoning is stating 2-3 stories (40') for CD4-W parallel to Salem st, with West end Incentives, the reality is 3-4 stories (50'). From Salem St to Cabot St. although rezoning is CD-4L2 35' height, reality with West End Incentive is 45', and from Cabot St. to Langdon, 20' height, but reality with West End Incentive is 30'.

These heights DO NOT fit with the Article 2.1.1 and 2.1.3 of the Master Plan. Nor does any of this development fit with reducing the need for worker housing in Portsmouth. We all fully understand that the units that will be sold upon projected termination will be unaffordable to 75 % of the current residents of Portsmouth who work in our local businesses. With average sq foot sales prices of (\$550-625 @ ft) of newly built units in Portsmouth at the time of this letter, these units will be on the market for an average of \$750-900,000 USD. This proposed development will create housing, but not the needed housing for the blue collar workers who provide many of the services that we each rely on each and everyday. ,

The building heights will literally be double the size of over 60% of the current residential houses along the McDonough St. corridor. Even the abutting Storage building (33' height) on McDonough st will be blocked from water views.

These buildings will not only block water views, which is in direct opposition to the Master Plan, but also, cause excessive light and noise pollution to these abutting neighborhoods.

Amendments to the Character Districts Regulation Plan maps (Maps 10.5A21A & B)

1) Amend the zoning map to re-zone a portion of the 105 Bartlett St property to CD-4W extending from the existing CD-4W boundary to approximately Cabot Street and the portion between Cabot Street and Langdon Street to CD-4L2. All of this area would also be included in the West End Overlay District as originally proposed by the petitioner.

2) Amend the height requirement areas to provide a transition in height that is more appropriate for the abutting residential neighborhoods. As revised, the portion of the property in the existing CD-4W district would be in the 2-3 Stories (45') height requirement area, the portion extending between the existing CD-4W boundary to a line approximately parallel with Salem St would be in the 2-3 Stories (40') height area, the portion between Salem St and Cabot St would be in the 2 Stories (35') height area, and the remaining portion to Langdon St would be in the 1-Story (20') height area.

Future Flooding Potential:

An Analysis map shows the potential flooding that may occur within 100 years shows the potential of flooding in the proposed development area. What costs will the city and therefore taxpayers be liable for if this area is rezoned for high density development as stated by the developer and then flooded within the next 30 years.

For a current example of changes needed, One needs to look no further then the TAC reviews for the Islington Commons Condo development, where due to unprecedented rains in the early spring caused the board to re exam and require extra drainage in order to approve that project. NH costal flooding 100 year flood map

The amount of traffic that will be added to the Bartlett St corridor and intersection of Islington St. and Bartlett St. will create a un accessible access for emergency vehicles during peak hours of congestion. With this review, how are we as McDonough St neighbors able to protect our on street parking and keeping the neighborhood closed to a connector road at the end of Cabot St. This is another major concern that will not be alb to be stopped if TAC makes a decision that emergency access is needed to this expansive number of residential units.

Due to these issues above and many more, I kindly ask the council to refrain from making a decision that will destroy the serenity of two of Portsmouth's smaller neighborhoods by allowing a rezoning that does not follow in the foot prints of the Portsmouth Master plan 2025.

The council is having the last public hearing of this matter held on a Monday after the long 4th of July holiday, and I for one feel that this matter due to its future impact and unprecedented request should be allowed more public input before a vote is put forth.

If the council does proceed with the voting of this rezoning, Please consider the following. 1). Separate lot 5 from the other 4 lots and postpone a vote on Lot 5. 2). Leave lot 5 as OR, to allow the city to have its last remaining open space to stay lights free and a space for people to walk. (If the developer truly wanted to leave a legacy for his children and grand children, then he would leave 60% of Lot 5 an open community park). 3). Rezone Lot 5 so that with West End Incentives, no building height from Salem St to Langdon St would reach over 35' in total height. An amendment could be written to place a limit of maximum building height.

Lastly, I commend all of the councilors on listening to us, the public, long time abutters and concerned citizens while moving forward with development of our city in a mindful manner.

Sincerely;

James Beal 286 Cabot St. Portsmouth, NH Resident since 1999

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by John&Nancy Howard (JEHOWARD7@comcast.net) on Thursday, July 5, 2018 at 12:46:41

address: 179 Burkitt Street

comments: Honorable City Councilors, Please consider more reasons to deny Clipper Traders' zoning change request.

The 'greenway' is a 'Trojan horse' to receive special benefits that are detrimental to long established neighborhoods. The City will have to maintain and insure this area at no small cost to the tax payer.

If setbacks from the N. Mill pond and the remaining rail line were enforced without special exceptions, there would not be enough 'middle ground' to build upon.

If the remaining rail corridor is fenced, all talk about 'view sheds' down streets intersecting with McDonough Street are senseless.

The proposed long and tall buildings along the remaining rail line will create a 'tunnel effect' resulting in enhanced noise pollution.

A project of this density and accompanying road(s) will impact the old sewer system and contaminated soil creating hazards.

Changing the zoning creates potential dangers of a far different and inappropriate project threatening this unique and sensitive area.

Please vote against the proposed zoning change.

Sincerely, John&Nancy Howard
179 Burkitt Street

includeInRecords: on

Engage: Submit

From: James Beal [<mailto:jbealfoto@hotmail.com>]
Sent: Thursday, July 05, 2018 11:34 AM
To: Mary E. Koepenick <mekoepenick@cityofportsmouth.com>
Subject: 105 Bartlett st Rezoning/ Letter Public record.

Dear City Councilors:

I am writing to request that you please keep the Public Hearing regarding the 105 Bartlett Street rezoning request open *at least until the next City Council meeting.* Our neighborhood has been working tirelessly to gather information and mobilize on this complex rezoning request; but -- given the holiday week -- many residents are out of town, unable to attend the Public Hearing on 7/9, or even process the information and send a letter to you before that time. Given the enormity and ever-changing details of this rezoning request -- and the longterm impact any decision by City Council will have on the surrounding neighborhoods -- I urge you to continue the Public Hearing until at least the Third Reading, so that you can make the most informed decision possible.

Sincerely;
James Beal
286 Cabot St.
Portsmouth, NH 03801

NEW CONTENT BEGINS:

Below is the result of your feedback form. It was submitted by Brandon & Laura Terry (bterry@proems.com) on Friday, July 6, 2018 at 09:26:36

address: 209 McDonough Street

comments: To all City Councilors:

We are emailing in regard to the zoning request for 105 Bartlett Street.

Although we are not against the project as a whole we do have some concerns in regard to the height of the project.

With the zoning as proposed the total height for B1-B4 can (possibly) be 50+ feet with the "density" bonus.

If the zoning is changed to CD4-L2 (NOT CD-4W) the total height restrictions are '30 with the density bonus. We feel that this is much more manageable and will not look out of place with the rest of the neighborhood.

We are sure that other concerns will arise as the project moves forward but getting the zoning correct is very important not only for this project but for others that may come along down the road.

The last thing that we would want to see is a 'cluster' of nearly 60' buildings towering over a mostly residential area.

Thank you for your consideration.

Sincerely,

Brandon & Laura Terry
209 McDonough Street

CC: Juliet Walker

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Zelita Morgan (zelita.morgan@gmail.com) on Monday, July 9, 2018 at 07:23:02

address: 39 Richards Avenue

comments: Good morning Councilors,
Hope you all enjoyed a safe and fun 4th of July Celebration.

On the list of the RTKL requests submitted by the City Manager I wonder if you can provide information on what is the criteria used to classify a request as a RTKL request. Is that criteria a common knowledge and used across by all city staff?

As a side note, please note the 2014 RTKL request from a law firm for a copy of all documents from the Coakley Landfill group. The number of hours spent was described as "extensive". Another missed opportunity to look into the operations and administration of CLG?

Sincerely,
Zelita Morgan

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Tara Kennedy (kennedytaram@gmail.com) on Monday, July 9, 2018 at 08:47:06

address: 618 Colonial Dr

comments: Good morning Council members,
I am writing to you all in lieu of my attendance at the meeting tonight as part of the Recreation Board. I am recovering from bronchitis and have decided an email is a better way to show support than trying to keep my coughing fits at bay during a public speaking session. :) I am a School Board member, long-time Portsmouth resident and mother of two young boys. I am not excited about any tax raises, but do understand the importance of new turf fields for the City. We have made do with a shortage of fields for too long and I believe that the Community Campus plan is the best possible way to keep up with our current and future needs as a Community.

Thank you.
Tara Kennedy

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Chuck Dudas (cdudas@gmail.com) on Monday, July 9, 2018 at 10:19:48

address: 32 Monteith St, Portsmouth NH

comments: Hello,
My family and I live on the north side of North Mill Pond. We live on the water with views of the lot behind Ricci Lumber. My understanding is that there is consideration being taken to changing the zoning on this lot to allow for condos to be built in the near future. I certainly support development of this area. But my

concern is the level of development in this area. I understand the desire to increase housing densities to address the needs of the area but in my opinion this lot is not an appropriate location for high density housing or commercial spaces. The lot is adjacent to the pond which requires that any buildings are built sensitive to the environment (respecting setbacks and limiting footprint). Additionally the entire neighborhood on the north side of the pond is residential and mainly single-family homes. In summary, my hope is that the city council can provide direction to allow for reasonable developmental of this area with respect to the surrounding neighborhood and pond. And in my opinion, that reasonable development would allow for modest sized buildings with residential use only.

Thank you,
Chuck

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Allison Dudas (willsoal@gmail.com) on Monday, July 9, 2018 at 11:29:50

address: 32 Monteith Street

comments: Hello, my name is Allison Dudas and I live on Monteith St, right on North Mill Pond. I am very concerned about the proposal to rezone part of the West End as CD4-W. I am not opposed to development -- certainly Portsmouth is a desirable place to live and I am enthusiastic about what the future holds. But, I do worry no one is looking out for the character of our little town or its current residents. GRC zoning makes so much more sense and protects that area from things like strip malls and very high buildings. Please protect the character of our town. Please invest in an urban planner that might give us insight as to how to best develop the West End and other areas. We want Portsmouth to maintain its character.

includeInRecords: on
Engage: Submit

Dear City of Portsmouth Mayor and City Council,

June 27, 2018

Re: 105 Bartlett Rezoning

There are 2 new graphics in this envelope, along with print outs of all 4 zonings that have been discussed regarding this property. I underlined each to follow the same color scheme found on the graphics for easier referencing, except for the "OR" zoning-which follows "I" zoning and is not listed on any of the graphics provided. If you choose to review the progression of 105 Bartlett St., please pull out the colored graphics found in your first reading packet. Thank you for your interest and time!

Did you know zoning lines can legally be drawn anywhere. Look at Dover St, part of it is zoned CD4-L2 (green) and part of it is zoned GRC (yellow). **Zoning is a prerogative decision for the City Council.** You can do what the petitioner asks, you can do what the Planning Department recommends, you can come up with your own ideas or you can Not rezone the area petitioned and leave it as it. You have the power! **The important thing about the zoning is it dictates what kind of structures, their size, height and look, activities allowed, business types, location of businesses and so many things. What you pick determines what goes on and what is built in these 2 sections of land, Lots 1,2,3,4 and Lot 5.**

This property, 105 Bartlett St., was presented by Clipper Traders to the Board of Adjustments as two areas: Lots 1,2,3,4 and Lot 5. (See "Overview"). They proposed a private multifamily residential community, which will have private roads and no commercial with about 120 condo units.

I included a graphic titled: "City Solution #1", which shows all the height and footprint amendments and the bonuses the developer will receive per the Planning Board. It should be noted for the many who attended the site walk and for those who missed it, the Safeway Storage Building (old shoe factory) at 135 McDonough St. is 32' tall per the Planning Department and 262' long per a neighbor. The area recommended to be zoned CD4-W on Lot 5; was shared by the developer at the Site Walk will start- the almost 60' tall, 200' long, 30,000 SF buildings- 25' from the center of the RR track, which amounts to 35' from the rear property line and for some homes 35' from their side windows. **To envision this: stack TWO Safeway Storage Buildings on top of each other and put two next to each other and take off about ¼ of the length for each(Safeway is 262' long)-remember no side yards are required in CD4-W. Place them closer to your home than a side street with sidewalks.**

There is a second graphic included with this letter titled: "**A Possible Solution**". This graphic shows a diagonal zoning line. Please note: *this graphic does NOT show that buildings B3 and B4 would be cut into 4 smaller building and have some space between them.* This diagonal zoning would create a total of at least 9 buildings in the green **CD4-L2** area which would start around Dover St and extend to Langdon St. and at least 2 buildings in the red **CD4-W** area next to the brewery to the diagonal from Dover St. Remember the CD4-W allows for a 200' footprint, CD4-L2 (green) allows for a 100' footprint with the bonuses received. **This angle would allow the developer to still build at least 116 condos, 4 less than proposed.** *Depending on their architect's ability to maximize the spaces available they could possibly have even more.* **It would provide the abutters consistency in height and density of the neighborhood context and the developer the high density and heights directly next to the existing building of Lots 1,2,3,4. This is a solution that provides smart growth with density.** The viewing corridors could more easily be created, the green way could still be developed and the proposed number of units would still be attained. This solution would allow for reasonably sized structures to be built that would complement the abutting neighborhood without blocking all the afternoon sunlight and opportunity for some greenspace between structures. This solution would make the majority of the development be more consistent in height and form to the neighboring community, thereby giving a more visual appeal to potential buyers that they already are part of their community and could be part of the existing community. Clipper Traders asked to create a neighborhood. This zoning would provide this and not dwarf the existing neighborhood.

Be AWARE: It was approved at the First Reading that ½ of Lot 5 be lumped together with Lots 1,2,3,4 (from Bartlett to Cabot St.) and the other ½ of Lot 5 (Cabot to Langdon) stands alone. This approval most likely will need to be changed no matter what direction the City Council wants to go with the zoning. Lots 1,2,3,4 (Bartlett to Great Rhythm Brewing) should stand alone as the petitions requested. Lot 5 (Brewing to Langdon) should stand alone with the possibility of different zoning areas that could also be separated for voting purposes. Putting a highly developed piece of land in with an undeveloped piece of land is not in the best interest of the petitioner or the abutters.

For review of the original progression up to the recommendations shown please read on and refer to the color graphics that were included in your packet for the first reading meeting. To see what CD4-W looks like travel west on Islington St starting at CVS, to see what CD4-L2 looks like travel east on Islington St (toward town) starting right around Dr Harvey's office.

The Planning Department's first recommendation was to zone Lots 1,2,3,4 as CD4-W. (See "Lots 1,2,3,4 Planning Dept Recommendations"). The Planning Department then recommended Lot 5 be split into 2 sections. (See "Lot 5 Planning Department Recommendations"). The section that directly abuts business zoning (blue area) received a recommendation for CD4-L2 zoning (green area). This area starts at Cabot St and goes to Langdon St. The section that directly abuts GRC zoning (yellow area) they recommended be zoned the more intense zoning of CD4-W (red area). This area starts at the back side of Great Rhythm Brewing (near Dover St) and continues to Cabot St. The significant differences between CD4-W and CD4-L2 are: building footprints, block length, side yards and types of businesses. CD4-W is about 10 times larger for the building footprint up to 30,000 SF. CD4-L2's footprint is up to 3500 SF. CD4-W has no side yards. CD4-W allows up to 200' for the building block length. CD4-L2 allows for up to 80' building block length. See list for businesses allowed. It is evident the density is much greater for CD4-W, yet these larger structures were recommended next to homes that range from 10' to 20' from Dover to Cabot St. on both sides of the street. The tallest home in that area was measured at 20' from the ground to the bottom of the roof line.

I had included a possible solution of splitting Lot 5 at an angle. (See "Lot 5: A Solution to the Density and Height Issues"). This allowed the most prized area with the best views to be allowed the greatest development and still protect the single family homes from massive structures. It should be remembered that the tallest building in that whole neighborhood is the 32' high Safeway Storage Building and **the maximum height allowed along Islington St from Dover to Langdon is 35' per Map 10.5A21B Building Heights Standards, that area of Islington St is zoned CD4-L2.**

It does need to be pointed out at this time, Lots 1,2,3,4 could easily have a 45' tall, 200' long, 15,000 SF building or more in the old Hawk Shop area and possibly could put two same size buildings from S. Albany St to Dover St. If the developer chose to they could turn the brewery building into a building with condos on the top and a liner building for the brewery on the bottom. **There are many opportunities for growth on Lots 1,2,3,4 even keeping the lumber yard and two stores open.**

Thank you for taking the time to review all the materials provided!

Respectfully,



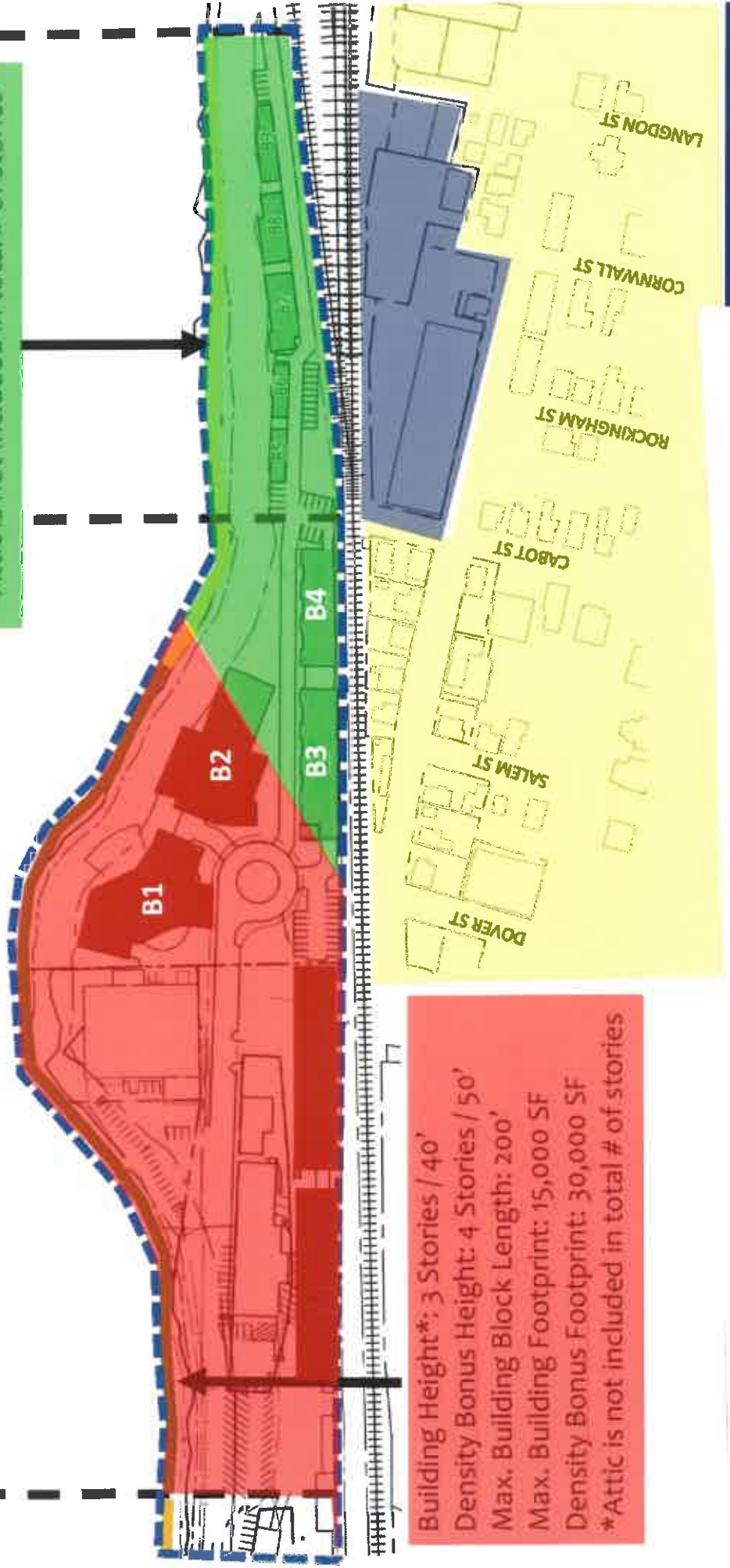
Elizabeth Bratter

159 McDonough St (17' 8" tall)

342 Cabot St. (12' 4" tall)

A Possible Solution

Building Height*: 1 Story / 20'
 Density Bonus Height: 2 Stories / 30'
 Max. Building Block Length: 80'
 Density Bonus Block Length: 100'
 Max. Building Footprint: 2,500 SF
 Density Bonus Footprint: 3,500 SF
 *Attic is not included in total # of stories



Building Height*: 3 Stories / 40'
 Density Bonus Height: 4 Stories / 50'
 Max. Building Block Length: 200'
 Max. Building Footprint: 15,000 SF
 Density Bonus Footprint: 30,000 SF
 *Attic is not included in total # of stories

The proposed amendments for heights, footprints, lengths and zoning (ie: outdoor seating, 500 person indoor function halls) would need to be included in this possible solution. CD4-L2 allows for heights up to 45'

City Solution #1

Building Height*: 2 Stories / 35'
 Density Bonus Height: 3 Stories / 45'
 Max. Building Block Length: 200'
 Max. Building Footprint: 15,000 SF
 Density Bonus Footprint: 30,000 SF
 *Attic is not included in total # of stories

Building Height*: 1 Story / 20'
 Density Bonus Height: 2 Stories / 30'
 Max. Building Block Length: 80'
 Density Bonus Block Length: 100'
 Max. Building Footprint: 2,500 SF
 Density Bonus Footprint: 3,500 SF
 *Attic is not included in total # of stories

Building Height*: 3 Stories / 40'
 Density Bonus Height: 4 Stories / 50'
 Max. Building Block Length: 200'
 Max. Building Footprint: 15,000 SF
 Density Bonus Footprint: 30,000 SF
 *Attic is not included in total # of stories



- Zoning Colors**
- Yellow-Residential
 - Green- CD4-L2
 - Blueish Gray- MRB
 - Red-Orange- CD4-W

Map 10.5A21B Building Height Standards



Please notice height from Dover - Langdon St on Brighton = 35' zoning CD4-L2
 height from Dover - Langdon St on Mc Donough = 35' zoning GRC & MREB
 Proposed heights: Dover - Salem = 50' & Salem - Cabot = 45' Cabot - 40 Langdon = 30'
 zoning - CD4-W
 CD4-L2

Zoning Comparison List

TC allows: Rail Transport, Municipal Trail, Rail Trail-Rail with Trail, underground utilities

OR allows: if within 200' of the observable high tide mark building heights up to 45', beyond that maximum height is 60'. Minimum lot area 3 acres. No dwellings, post secondary school, historic preservation, museum, city park and related actions, professional office, business office, financial services, publishing or similar electron facility, hospital, outpatient medical office or clinic, trade shops (plumber, electricians, etc), hotel up to 125 rooms, satellite dish 42" on ground or roof, whip antenna up to 30', construction trailer, temporary housing more than 180 days, temporary structure up to 90 days, accessory use, concessions and service within principal building, indoor motor vehicle or boat storage, outdoor vehicle storage, outdoor boat storage up to 12'

GRC allows: height 35' regular roof, height 30' flat roof, single family, townhouse, multi-family up to 4 units,(8 with special exception) city park, non-commercial boat landings and docks, satellite dish up to 48' ground or building mounted, temporary construction trailer, temporary structure up to 30 days, temporary no foundation home up 180 days, home occupation 1, concessions and services, indoor and outdoor vehicle and up to 12' long boat storage,

CD4-L2 allows: possibly up to 45' in height, this is based on character district "rules"

Single family dwelling, 2 family dwelling, townhouses, multi-family up to 8 dwellings, historic preservation building, museum, city park and related activities, professional office, business office, financial services, family day care, convenience store with maximum hours from 6AM-11PM, drop off and pick up of laundry/dry cleaning, retail sales-non marine, *restaurant or public function building for less than 50 guests*, non-commercial boat dock, satellite dish mounted on roof or ground up to 4', temporary housing if other is destroyed up to 180 days, accessory use, concessions in principal building, indoor storage of vehicles and boats, outdoor storage of vehicles up to 6 wheels, boat storage-with size limits, lobster traps

CD4-W allows: height 60' more than 200' from the water, up to 45' in height within 200' or less of the water . townhouse, multi-family 3-8+ dwellings, live work unit, assisting living center, historic preservation, museum, *performance facility for less than 500 people*, club/fraternal/service organization, city park or related activities, religious or secular recreation, *indoor amusements* ie: movie-no live, indoor recreation ie: bowling, arcade, yoga, martial arts- up 2000', professional office, business office, financial services, retail bank, media studio without tower, publishing facility or electronic production, *out-patient medical clinics*, medical offices, group day care, personal services, consumer services(copy, bike repair, grooming), general services(plumbing, electricians, etc), drop of and pick up of laundry services, laundry mat, convenience stores with hours up until 11PM, retail marine sales and retail sales inside a building, fish market, undertaking facility, store that sells goods manufactured on the premises, restaurant, restaurant with take out or fast food, boarding house, bed and breakfast, non-commercial dock, wholesale sales up to 40%, satellite dishes less than 42" on the ground or on the roof, whip antennas up to 30', construction trailers, temporary storage less than 30 days, accessory use, home occupation, concession and services located in a building.

GRC

Section 10.520 Residential and Mixed Residential Districts

10.521 Table of Dimensional Standards – Residential and Mixed Residential Districts ¹

	R	SRA	SRB	GRA	GRB	GRC	GA/MH	MRO	MRB
Minimum Lot Dimensions									
Lot area	5 acres	1 acre	15,000 sf	7,500 sf	5,000 sf	3,500 sf	5 acres	7,500 sf	7,500 sf
Lot area per dwelling unit	5 acres	1 acre	15,000 sf	7,500 sf	5,000 sf	3,500 sf	10,000 sf	7,500 sf	7,500 sf
Continuous street frontage	NA	150'	100'	100'	80'	70'	N/A	100'	100'
Depth	NA	200'	100'	70'	60'	50'	N/A	80'	80'
Minimum Yard Dimensions									
Front	50'	30'	30' ²	15'	5'	5'	30' ^{2,4}	5'	5' ²
Side	20'	20'	10'	10'	10'	10'	25'	10'	10'
Rear	40'	40'	30'	20'	25'	20'	25'	15'	15'
Maximum Structure Dimensions									
Structure height									
Sloped roof	35'	35'	35'	35'	35'	35' ³	35' ^{3,4}	40'	40'
Flat roof	35'	30'	30'	30'	30'	30'	35' ^{3,4}	30'	30'
Roof appurtenance height	8'	8'	8'	8'	8'	8'	8'	10'	10'
Building coverage	5%	10%	20%	25%	30%	35%	20% ⁴	40%	40%
Minimum open space	75%	50%	40%	30%	25%	20%	50%	25%	25%

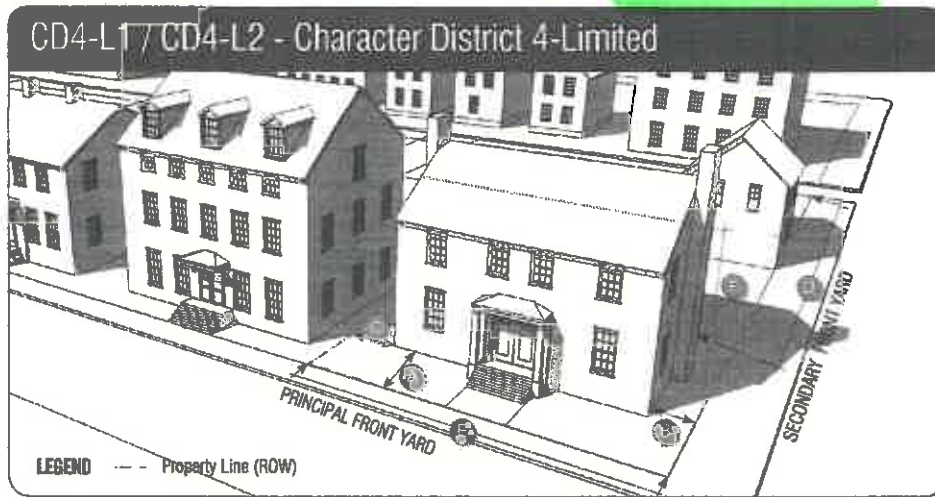
NA = Not Applicable NR = No Requirement

Notes:

1. See Article 5A and Article 5B for dimensional standards in Character and Gateway Neighborhood Mixed Use Districts.
2. See Section 10.533 for special front yard requirements on Lafayette Road.
3. Within the General Residence C and Garden Apartment/Mobile Home Park districts an additional 8' of height may be added to the maximum structure height in order to provide for multifamily dwellings that include vehicular parking spaces located within the residential building itself, if the additional height results in increased open space when compared to a site plan showing what open spaces would remain if required parking spaces were located in the open and in accessory structures.
4. See Section 10.816 for requirements within a manufactured housing park.

FIGURE 10.5A41.10A DEVELOPMENT STANDARDS

CHARACTER DISTRICT 4--LIMITED (CD4-L1/CD4-L2)



BUILDING PLACEMENT – PRINCIPAL BUILDING

Maximum principal front yard	15 ft	(E)
Maximum secondary front yard	12 ft	(B)
Side yard	5 ft min. to 20 ft max.	(E)
Minimum rear yard	Greater of 5 ft from rear lot line or 10 ft from center line of alley	(E)
Front lot line buildout	60% min. to 80% max.	

BUILDING AND LOT OCCUPATION

Maximum building block length	80 ft	(E)
Maximum façade modulation length	50 ft (see Section 10.5A43.20)	
Maximum entrance spacing	NR	
Maximum building coverage	60%	
Maximum building footprint	2,500 sf	
Minimum lot area	3,000 sf	

Minimum lot area per dwelling unit	3,000 sf
Minimum open space	25%
Maximum ground floor GFA per use	NR

BUILDING FORM – PRINCIPAL BUILDING

Building height	See Map 10.5A21.B & Section 10.5A43.30	(E)
Maximum finished floor surface of ground floor above sidewalk grade	36"	
Minimum ground story height	11 ft	
Façade glazing:		
Shopfront façade	70% min.	
Other façade types	20% min. to 40% max.	
Roof type	flat, gable, hip, gambrel, mansard	
Roof pitch, if any		
Gable	6:12 min. to 12:12 max	
Hip	3:12 min.	
Mansard/gambrel	6:12 min. to 30:12 max.	

10.5A43.20 Façade Modulation

10.5A43.21 Except as listed in 10.5A43.22, a **façade** shall be modulated by major breaks in the **façade** plane and/or changes in exterior materials or rooflines. No individual section of a **façade** shall be longer than the maximum **façade** modulation length listed in Figures 10.5A41.10A-D (Development Standards).

10.5A43.22 In the Historic District, **Façades** that have a high degree of fenestration, traditional masonry detailing, and traditional window styling (including windows recessed in the openings and with multiple panes) shall be exempt from the **façade** modulation requirements listed in Figures 10.5A41.10A-D (Development Standards).

10.5A43.30 Building and Story Heights

10.5A43.31 Specific height requirement areas are designated on Map 10.5A21B. The maximum **building height** in each height requirement area shall be as follows:

Height Requirement Area	Minimum Height in Stories	Maximum Height in Stories	Maximum Height in Feet
1 story	1	1	20
2 stories	2	2	35
2 stories (short 3 rd)	2	2 + short 3 rd	35
2-3 stories	2	3	40
2-3 stories (short 4 th)	2	3 + short 4 th	45
2-4 stories	2	4	50
2-4 stories (short 5 th)	2	4 + short 5 th	60
2-5 stories	2	5	60

10.5A43.32 A **roof appurtenance** may exceed the maximum allowed **building height** as specified on Map 10.5A21B (Building Height Standards) by 10 feet, subject to the following:

- (a) All **roof appurtenances** and other features that exceed the allowed **building height** for the zoning district shall not exceed 33 percent of the total roof area of the **structure** and, except for elevators and stair towers, shall be set back at least 10 feet from any edge of the roof.
- (b) Solar energy panels shall not be subject to the 33 percent limitation provided that they are not visible from a point 20 feet above the edge of the **street** right-of-way on the opposite side of the **street**.
- (c) The area of **roof appurtenances** that comply with this section shall not be considered as part of the **building's gross floor area** calculations.

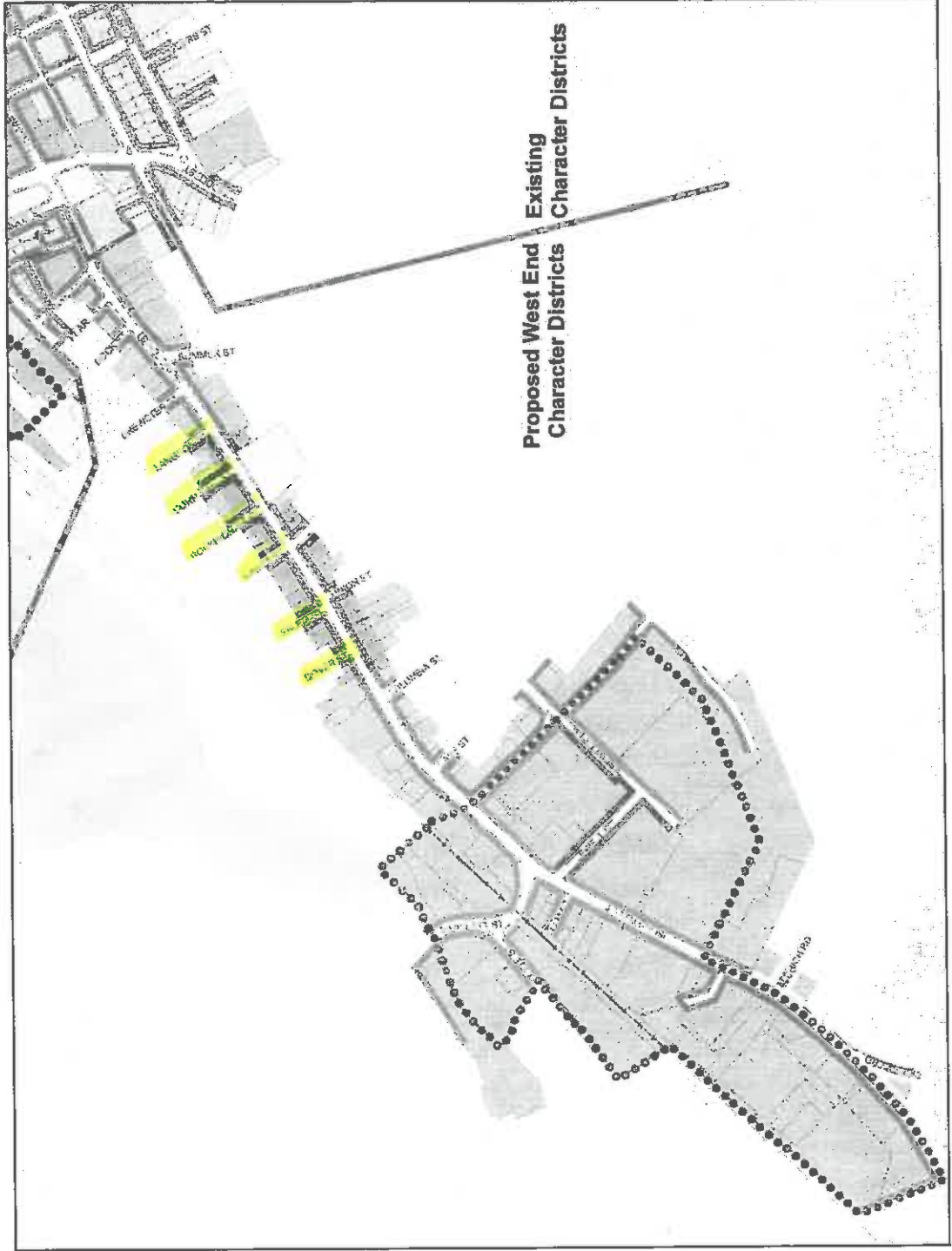
10.5A43.33 A **development** that is not located in an incentive overlay district and that contains at least one acre of **lot area** shall be allowed an additional **story** in height (up to 10 feet) if at least 20% of the property is assigned and

West end begins

pg 2

Map 10.5A21B Building Height Standards

Third Reading 7/11/16



Legend

Height requirement area	Maximum building height*
1 Story	20'
2 Stories	35'
2 Stories (short 3rd*)	35'
2-3 Stories	40'
2-3 Stories (short 4th*)	45'
2-4 Stories	50'
2-4 Stories (short 5th*)	60'
2-5 Stories	60'

*Penitence levels may exceed the building height by 2 feet.

1. A short story includes either: 1) use of a top story below the cornice line of a sloped roof that is at least 20% shorter in height than the story below; or 2) a story within a mansard roof with a pitch no greater than 30:12.

2. When a lot is assigned to more than one height requirement standard refer to the requirements listed in Section 10.5A21.22.

3. Attic space within either a gable, gambrel, hip or hip-top mansard roof or a penthouse level on a flat roof is not considered a story. Attic space is permitted above the top story provided the proposed building is no greater than the maximum building height.

Incentive Overlay Districts

Within the Incentive Overlay Districts, certain specified development standards, including height, density and parking, may be modified pursuant to Section 10.5A47.

- • • • North End Incentive Overlay District
Between Maplewood Avenue and Russell Street, the boundary of the North End Incentive Overlay District is established at 100 feet from the mean high water line.

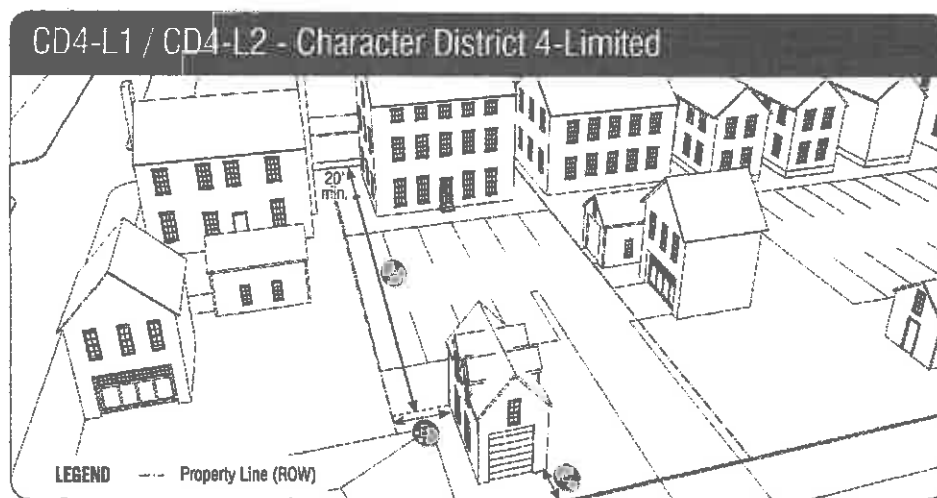
- • • • West End Incentive Overlay District
The boundary of the West End Incentive Overlay District is established at 200 feet from the rear lot lines of the abutting Africh Road lots and/or 100 feet from the rear lot lines of lots that abut the public or private portions of Chevrolet Avenue, whichever is greater.

Proposed West End Character Districts

Existing Character Districts



FIGURE 10.5A41.10A DEVELOPMENT STANDARDS
CHARACTER DISTRICT 4—LIMITED (CD4-L1/CD4-L2)



BUILDING PLACEMENT – OUTBUILDING

Minimum front yard	20 ft behind a façade of a principal building
Minimum side yard	3 ft
Minimum rear yard	3 ft

BUILDING TYPES

See Figure 10.5A43.60 for **building** type definitions

House	permitted*
Duplex	permitted*
Rowhouse	permitted*
Apartment building	permitted*
Live/work building	permitted**
Small commercial building	CD4-L1: not permitted CD4-L2: permitted
Large commercial building	not permitted

*Not permitted in the Downtown Overlay District
Residential **uses are not permitted on the **ground floor** in the Downtown Overlay District

BUILDING & LOT USE

See Sections 10.5A30 and 10.440

FAÇADE TYPES

See Figure 10.5A43.10 for **façade** type definitions
Except where required **façade** types are indicated on Map 10.5A21C, the below standards apply:

Porch	permitted
Stoop	permitted*
Step	only permitted where indicated on Map 10.5A21C
Shopfront	CD4-L1: only permitted where indicated on Map 10.5A21C CD4-L2: permitted
Officefront	only permitted where indicated on Map 10.5A21C
Forecourt	permitted*
Recessed-entry	permitted

*Not permitted in the Downtown Overlay District

PARKING

See Section 10.5A44.30

COMMUNITY SPACE

See Section 10.5A45

OR = I

Section 10.530 Business and Industrial Districts

10.531 Table of Dimensional Standards – Business and Industrial Districts ¹

	B	GB	WB	I	WI	OR
Minimum Lot Dimensions						
Lot Area	20,000 sf	43,560 sf	20,000 sf	2 acres	2 acres	3 acres ²
Lot Area per dwelling unit	2,500 sf	NR	NR	NA	NA	NA
Continuous street frontage	100'	200'	100'	200'	200'	300' ²
Depth	80'	100'	100'	200'	200'	300' ²
Minimum Yard Dimensions						
Front	20'	30'	30'	70'	70'	30' ²
Side	15'	30'	30'	50'	50'	73' ²
Rear	15'	50'	20'	50'	50'	30'
Maximum Structure Dimensions						
Structure height	50'	60'	35'	70' ³	70' ³	60' ³
Roof appurtenance height	10'	10'	10'	10'	10'	10'
Building coverage	35%	30%	30%	50%	50%	30%
Floor Area Ratio	NR	NR	NR	NR	NR	NR
Minimum open space	15%	20%	20%	20%	20%	30%

Notes: NA = Not Applicable NR = No Requirement

1. See Article 5A and Article 5B for dimensional standards in Character and Gateway Neighborhood Mixed Use Districts.

2. See Section 10.532.10 for requirements for lots adjacent to North Mill Pond.

3. See Section 10.532.20 for reduced structure height within 200' of North Mill Pond or Piscataqua River.

10.532 Exceptions to Dimensional Standards for Certain Lots in the Industrial and OR Districts

10.532.10 North Mill Pond

In the Office Research district, lots in the area bounded by North Mill Pond, Maplewood Avenue, Islington Street and Bartlett Street shall be subject to the requirements of the Industrial district with respect to minimum lot area, street frontage, lot depth, and yards.

10.532.20 Building Height Setback from Waterfront

In the Industrial, Waterfront Industrial and Office Research districts, no portion of a building that is less than 200 feet from the highest observable tide line of the Piscataqua River or the North Mill Pond shall exceed 45 feet in height. Docking and offloading structures and equipment (such as cranes) are exempt from this restriction.

10.533 Special Yard Requirements on Lafayette Road

Notwithstanding the minimum front yard requirements specified in Section 10.521 or Section 10.531, for any lot adjoining Lafayette Road between the Route 1 Bypass and the Rye town line, no building, structure, parking area, or display or storage area shall be located less than 80 feet from the centerline of Lafayette Road or 30 feet from the sideline of Lafayette Road, whichever represents the greater setback, except as otherwise permitted by this Ordinance.

10.534 Inclusion of Waterfront Public Access in Open Space

In a Business or Industrial District, a portion of a lot that is used to provide public access along a waterfront shall be counted as open space for the purpose of satisfying the requirement for minimum open space on a lot, as follows:

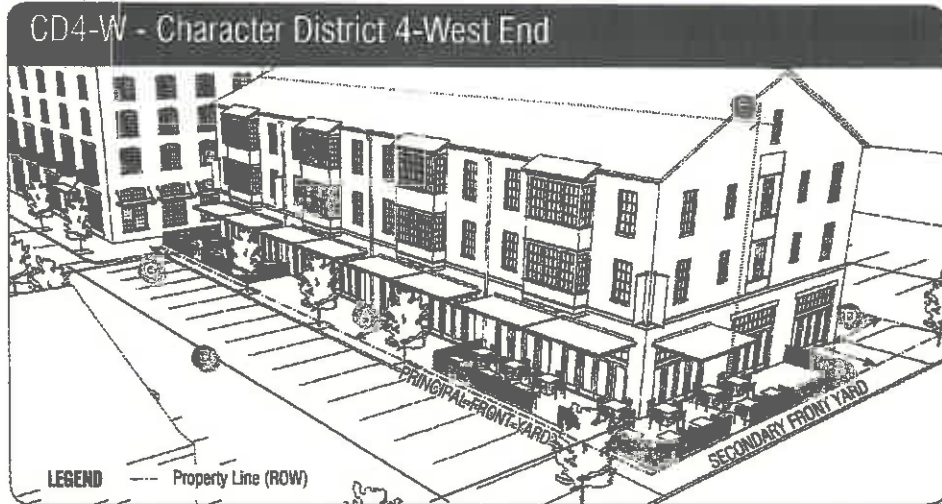
10.534.10 Each square foot of lot area that is duly recorded and enforceable by the City as waterfront public access shall be counted as 1.5 square feet of required open space.

10.534.20 Each square foot of lot area that is used for, but not enforceable by the City as, waterfront public access shall be counted as 1.0 square foot of required open space.

Section 10.540 Airport Districts

In the Airport, Airport Industrial, Pease Industrial and Airport Business Commercial districts, land use controls are governed by State statute. The statute provides that land acquired by the Pease Development Authority (PDA) from the federal government is not subject to the City of Portsmouth's land use controls, including the Zoning Ordinance, but instead is subject to land use controls adopted by the PDA, consistent with the City's Master Plan. The dimensional regulations in the following table therefore have no direct

FIGURE 10.5A41.10B DEVELOPMENT STANDARDS
CHARACTER DISTRICT 4--WEST END (CD4-W)



BUILDING PLACEMENT – PRINCIPAL BUILDING*

Maximum principal front yard	10 ft	⊙
Maximum secondary front yard	15 ft	⊙
Side yard	NR	⊙
Minimum rear yard	Greater of 5 ft from rear lot line or 10 ft from center line of alley	⊙
Minimum front lot line buildout	50%	

* Except for items listed under Section 10.5A42.12

BUILDING AND LOT OCCUPATION

Maximum building block length	200 ft	⊙
Maximum façade modulation length	80 ft (see Section 10.5A43.20)	
Maximum entrance spacing	50 ft	
Maximum building coverage	60%	
Maximum building footprint	15,000 sf (or as allowed by Section 10.5A43.40)	

Minimum lot area	5,000 sf
Minimum lot area per dwelling unit	2,500 sf
Minimum open space	15%
Maximum ground floor GFA per use	15,000 sf

BUILDING FORM – PRINCIPAL BUILDING

Building height	See Map 10.5A21.B & Section 10.5A43.30	⊙
Maximum finished floor surface of ground floor above sidewalk grade	36"	
Minimum ground story height	12 ft	
Façade glazing:		
Shopfront façade	70% min.	
Other façade types	20% min. to 50% max.	
Roof type	flat, gable, hip, gambrel, mansard	
Roof pitch, if any		
Gable	6:12 min. to 12:12 max	
Hip	3:12 min.	
Mansard/gambrel	6:12 min. to 30:12 max.	

improved as a **community space**. Such **community space** shall count toward the required **open space** listed in Figures 10.5A41.10A-D (Development Standards). The size, location and type of the **community space** shall be based on the size and location of the **development**, and the proposed and **adjacent uses**.

10.5A43.40 Maximum Building Footprint

10.5A43.41 No **building** or **structure** footprint shall exceed the applicable maximum **building footprint** listed in Figures 10.5A41.10A-D (Development Standards) except as provided in Sections 10.5A43.42-44 below.

10.5A43.42 In the CD5 district, a detached **liner building** may have a **building footprint** of up to 30,000 sq. ft. if it meets all other **development standards** and is integrated into a **parking structure** through the provision of **community space** or shared access.

10.5A43.43 For a **building** that contains **ground floor** parking, a **parking garage** or **underground parking levels**, and is not subject to Section 10.5A43.42, the Planning Board may grant a conditional use permit to allow a **building footprint** of up to 30,000 sq. ft. in the CD4 or CD4-W districts, and up to 40,000 sq. ft. in the CD5 district, if all of the following criteria are met:

- (a) No **story** above the **ground floor** parking shall be greater than 20,000 sq. ft. in the CD4 or CD4-W districts or 30,000 sq. ft. in the CD5 district.
- (b) All **ground floor** parking areas shall be separated from any public or private **street** by a **liner building**.
- (c) At least 50% of the **gross floor area** of the **ground floor** shall be dedicated to parking.
- (d) At least 30% of the property shall be assigned and improved as **community space**. Such **community space** shall count toward the required **open space** listed under Figures 10.5A41.10A-D (Development Standards) and **community space** required under Section 10.5A46.20. The size, location and type of the **community space** shall be determined by the Planning Board based on the size and location of the **development**, and the proposed and **adjacent uses**.
- (e) The **development** shall comply with all applicable standards of the ordinance and the City's land use regulations.

10.5A43.44 The **building footprint** of a **parking structure** shall be no greater than 40,000 sq. ft., and the **façade** length shall be no greater than 300 feet.

10.5A43.50 Streetscreens

Any **streetscreen** in a **front yard** shall be built on the same plane as the **façade** of the **principal building** and shall be between 3.5 and 4.0 feet in height.

Dear Mr. Bohenko, Mayor Blalock and Councilors,

I organize an annual Electric vehicle (EV) show that is one of over 250 around the country and 6 in New Hampshire during the "National Drive Electric Week", September 8-19.

On September 9th, 2018 between 12-4 I would like to bring the show closer to the residents of Portsmouth by siting it in either the Library/Middle school lot or the City Hall lower parking lots to promote the city's commitment to greenhouse gas emission reduction from transportation and charging station infrastructure. The event is strictly nonprofit and volunteer led and staffed. There is zero revenue generated at the event.

In 2017 I hosted the first Portsmouth event at Pease Tradeport and it was a great success. We had approximately 40 EV drivers bring a variety of personal vehicles. We also had a good number of public attend that were interested in learning more from owners' experiences.

The event also attracted politicians and local Councilors and received publicity on NPR. The Portsmouth Herald featured the Hanover garage charging station. Governor Sununu even signed a state proclamation in support of the NH EV events.

In 2018 we have the following plans:

- Firstly, to bring the event to the people.
- 50 EVs including an example of every EV currently available for sale
- Interactive educational displays from:
 - Portsmouth sustainability committee display
 - Portsmouth school environmental club display
 - Portsmouth area robotic club display
 - Renewable energy companies/non profit displays
 - Showcase Portsmouth's city EVs
- Fueling EVs 101 Q and A sessions throughout the day

We welcome other Portsmouth sustainability nonprofit organizations that are interested in attending and spreading the word.

In the spirit of reduced emission transportation, we will encourage people to ride, walk and carpool to the event and expect that we may have 200 people attend throughout the day.

I hope that the City will support this event in as many ways as possible.

Thank you for your consideration.

Sincerely,

James Penfold

Event organizer and manager of the Drive Electric New Hampshire charging station infrastructure Subcommittee.

Please see the following links to the National organization

<https://driveelectricweek.org/>

List of events:

<https://driveelectricweek.org/events-list.php?year=2018>

James Penfold
Co-Founder EV LaunchPad

Fully licensed and Insured


T: 603-828-2919

E: jp@evlaunchpad.com

W: www.evlaunchpad.com

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: July 5, 2018
To: Honorable Mayor Jack Blalock and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on July 9, 2018 City Council Agenda

- ***Public Dialogue Session***

Public Hearings & Votes on Ordinances and/or Resolutions:

1. **Public Hearing on Resolution Authorizing a Bond Issue and/or Notes of Up to Three Million Four Hundred Thousand Dollars (\$3,400,000) for Costs Related to the Construction of Multi-Purpose Recreation Fields.** As you may recall at its meeting on May 21, 2018, the City Council voted to direct staff to move forward with planning for an initial phase of design and construction of multi-purpose recreation fields at the newly acquired Campus Drive property and to bring forward project bonding at its July 9th meeting. Under Section VII of the Agenda, [attached is a Bond Resolution](#) of up to Three Million Four Hundred Thousand Dollars (\$3,400,000). This funding will be combined with approximately \$1,600,000 previously earmarked for the Route 33 recreation field now to be reprogrammed to Campus Drive. Together, a total of up to \$5 million will be available for design and permitting of the Recreation field complex and to construct an initial phase.

Based on preliminary cost estimates and engineering, a first phase of construction will include at least one large-sized synthetic turf field along with a U-10 field with associated parking, access improvements and field lighting. In keeping with previous City Council discussions all combinations of improvements (fields and amenities) will be assessed during the design phase in order to maximize this initial investment in terms of number of recreation fields introduced in Phase 1. The design and permitting and determination of

the scope of the initial phase of construction will be carried out with an eye toward the eventual full-site buildout and logistics such as staging for future construction phases.

I recommend the City Council move to adopt the Resolution, as presented. Two-thirds vote is required.

2. **Second Reading/Public Hearings on Ordinances Amending Chapter 10 – Zoning Ordinance – Petition for Rezoning, 105 Bartlett Street.** At the City Council meeting of June 18, 2018, the captioned ordinance passed first reading along with a second related ordinance which contained so-called “housekeeping” amendments to specified character based zoning provisions. The first of these two ordinances is complicated and the Council therefore voted, “to pass first reading and split the ordinance into two sections with Part 1 (A) relating primarily to the proposed CD4-W District and Part 1(B) relating primarily to the proposed CD4-L2 District and schedule a public hearing and second reading for the July 9, 2018 City Council meeting on the proposed amendments...”. The splitting of the ordinance into two sections was too complicated for that action to have actually taken place during the Council meeting of June 18, 2018. [See attached Ordinances under Section VII of the Agenda.](#) Accordingly, the Planning Department has subsequently determined the actions which would be required to effectuate that split.

[Attached is a memorandum from Planning Director Juliet Walker regarding this matter.](#) The Planning Department recommends that if the City Council wishes to proceed with the splitting of the first ordinance into two parts:

That Part 1-A (Proposed Character District 4-W) consist of the following provisions from the version of the ordinance which went to first reading:

- Amendments to Article 4, Section 10.440 Table of Uses;
- Amendments to the Character-Based Zoning Building Placement Section 10.5A42;
- Amendments to the Character-Based Zoning Incentive Overlay District Section 10.5A46;
- Amendments to the Character-Based Zoning Regulation Plan Maps (Maps 10.5A21A) to change Tax Map 157 Lots 1 and 2 from Office Research (OR) to Character District 4 West End (CD4-W) and a portion of Tax Map 164 Lot 4 from OR and Transportation Corridor (TC) to CD4-W;
- Amendments to the Character-Based Zoning Regulation Plan Maps (Maps 10.5A21B) to extend the West End Overlay District and add new Building Height Standards for Tax Map 157 Lots 1 and 2 and a portion of Tax Map 164 Lot 4;
- Amendment to Article 15 Definitions Section 10.1530; and

That Part 1-B (Proposed Character District 4-L2) consist of the following provisions from the version of the ordinance which went to first reading:

- Amendments to the Character-Based Zoning Incentive Overlay District Section 10.5A46;

- Amendments to the Character-Based Zoning Regulation Plan Maps (Maps 10.5A21A) to change a portion of Tax Map 164 Lot 4 from OR and Transportation Corridor (TC) to CD4-L2; and
- Amendments to the Character-Based Zoning Regulation Plan Maps (Maps 10.5A21B) to extend the West End Overlay District and add new Building Height Standards for a portion of Tax Map 164 Lot 4.

A Motion which the Council might pass prior to any public hearing on this matter in order to accomplish the intent expressed by the Council on June 18, 2018 would be as follows:

MOVED: That on second reading and public hearing of the ordinance which passed first reading on June 18, 2018 regarding the petition for rezoning of 105 Bartlett Street the ordinance be separated into two (2) components and public hearings be held on each component independently as described in the comments from the City Manager contained in the agenda packet for this meeting.

The ordinance has been split into Parts 1-A and 1-B on the agenda under the assumption that the foregoing motion would be passed by the Council.

The previously described second ordinance regarding housekeeping items would continue to second reading and public hearing on its own in the normal course. Therefore, if the foregoing motion is made and passed by the City Council then there will be three (3) public hearings at this meeting on the two ordinances which passed first reading on June 18, 2018; and further,

If the City Council chooses to pass second reading, the following motions would be required:

- 1) Part 1-A: Move to pass second reading and schedule a third and final reading at the August 6, 2018 City Council meeting, amended;*
- 2) Part 1-B: Move to pass second reading and schedule a third and final reading at the August 6, 2018 City Council meeting, as amended; and,*
- 3) Part 2 - Housekeeping: Move to pass second reading and schedule a third and final reading at the August 6, 2018 City Council meeting, as presented.*

- First Reading of Ordinance Amending Chapter 7 - Parking Omnibus.** As a result of the June 18, 2018 City Council meeting, under Section VII of the Agenda, I am bringing back for first reading the [attached proposed annual omnibus set of ordinances](#) recommended by the Parking and Traffic Safety Committee. This year's omnibus changes are detailed on the [attached sheets](#), and address changes to parking meters, on-street parking spaces, and updates to reflect current conditions.

By way of background, on March 29, 2000, the City Council adopted Ordinance #4-2000 under Chapter 7, Article 1, Section 7.103 of the Vehicles, Traffic and Parking Ordinance.

This ordinance was adopted in order to be more responsive to the changing parking needs

of the downtown. Before its adoption, it often took three readings of the City Council to simply change a parking space from a 2-hour time restriction to a 15-minute one. This process would often take 4-6 months to complete.

The current ordinance authorizes the Parking and Traffic Safety Committee to recommend temporary parking and traffic regulations to the City Council for its approval in the form of its monthly meeting minutes. Once the Council approves these minutes, the temporary regulations are in effect for a period not to exceed one year. During that year the Council and the public have the benefit of seeing how a temporary regulation works before adopting it as a permanent change to the parking ordinance. These temporary regulations are presented at one time to the Council for its consideration.

The [attached amendments](#) to Chapter 7, Vehicles, Traffic and Parking for the Council's consideration summarize the temporary parking regulations implemented by the Parking and Traffic Safety Committee last year.

I recommend the City Council move to pass first reading and schedule second reading and a public hearing on the proposed Parking Omnibus Ordinance at the August 6, 2018 City Council meeting, as presented.

Acceptance of Grants and Donations:

1. **Acceptance of Donation to the Coalition Legal Fund.** The City of Portsmouth has received a donation from the Town of Carroll in the amount of \$2,000.00 to the Coalition Legal Fund, which will be utilized to continue our fight to eliminate the statewide property tax.

I recommend the City Council move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund. Action on this matter should take place under Section VIII of the Agenda.

Consent Agenda:

1. **Request for License to Install Projecting Signs.** [Attached under Section IX of the Agenda](#) are two requests for projecting sign licenses (see [attached memorandums from Juliet Walker, Planning Director](#)):

- Sabrina Velandry, owner of Sloop for property located at 92 Pleasant Street (Unit 1A)
- Paul Barry, owner of One Day in July for property located at 10 Market Square

I recommend the City Council move to approve the aforementioned Projecting Sign Licenses as recommended by the Planning Director and, further, authorize the City Manager to execute the License Agreements for these requests. Action on this item should take place under Section IX of the Agenda.

City Manager's Items Which Require Action:

1. **Portsmouth Historical Society – Proposed Extension of Lease for Discover Portsmouth Center (10-30 Middle Street).** As you may recall, at your meeting on June 4, 2018, the City Council voted to refer a proposed 50-year Lease to the Planning Board for report back. At its meeting on June 21, 2018, the Planning Board voted unanimously to recommend the City Council enter into the proposed Lease. In its discussion, the Planning Board cited the success of the Discover Portsmouth Center programming as well as the alignment of the Portsmouth Historical Society's mission with the care and attention required for these invaluable historic buildings in the downtown as reasons for recommending the Lease.

By way of background, the City leases the former Portsmouth Public Library building at 10-30 Middle Street to the Portsmouth Historical Society (PHS). The PHS operates the Discover Portsmouth Center in the building and sub-leases space to two tenants. The current lease in place was entered into on April 26, 2011 and has a 25-year term, with an option for a 10-year renewal (for a total of 35 years). The current lease expires in 2036 (2046 with the renewal).

As discussed at your June 4th meeting, representatives of PHS have requested the City consider entering into a new lease for a 50-year term. The new lease term would run from 2018 to 2068. In requesting the new lease and term, PHS cited its desire to continue the building's use as the Discover Portsmouth Center and continue its current programming at this key downtown location. In addition, the PHS plans additional significant improvements to the facility that will result in further historically-sensitive improvements benefiting the program it offers the public, including accessibility and other building upgrades. PHS has indicated the new lease term requested will facilitate planning and fundraising (specifically, work with potential donors interested in gifts for the long-term).

The major change in the new **Lease attached** with your packet is the 50-year term. Minor changes and updates have also been made to the lease, which are indicated in the "track-changes" of the Lease.

I recommend the City Council authorize the City Manager to enter into the 50-year lease with the Portsmouth Historical Society for the property at 10-30 Middle Street, as presented, and further, authorize the City Manager to execute the Lease.

2. **Request for Public Hearings Re: Various Bonding Resolutions.** I am requesting that the City Council establish a public hearing on each of these proposed Resolutions for the August 6, 2018 City Council Agenda for projects identified in the FY 19-24 Capital Improvement Plan ([respective element sheets are attached](#)).

GENERAL FUND

- I. Purchase of Fire Apparatus – Fire Engine #6 - \$600,000**
- II. School Facilities Capital Improvements - \$500,000**
- III. Citywide Streets, Sidewalks and Facilities - \$8,900,000**
- a) Fire Station One Renovation - \$325,000
 - b) Prescott Park Facilities Capital Improvements - \$2,325,000
 - c) Outdoor Pool - \$1,000,000
 - d) City Hall Electrical Upgrades - \$600,000
 - e) Citywide Bridge Improvements - \$350,000
 - f) Longmeadow Road Extension - \$400,000
 - g) Peverly Hill Road Improvements - \$2,200,000
 - h) Market Street Gateway Improvements - \$1,700,000

WATER FUND

- IV. FY19 Water Projects - \$2,700,000**
- a) Annual Water Line Replacement - \$500,000
 - b) Water System Pressure and Storage Improvements - \$2,200,000

SEWER FUND

- V. FY19 Sewer Projects – \$1,600,000**
- a) Consent Decree Mitigation - \$400,000
 - b) Union Street Reconstruction - \$700,000
 - c) Annual Sewer Line Replacement - \$500,000

I recommend the City Council move to authorize the City Manager to bring back for public hearing and adoption the various proposed CIP projects to be bonded, as presented, for the August 6, 2018 City Council meeting. (Please note that Bonding Resolutions require a public hearing and adoption).

3. **Polling Hours for September 11, 2018 State Primary Election.** [Attached is a memorandum from Kelli Barnaby, City Clerk](#), recommending the polling hours be set from 8:00 a.m. to 7:00 p.m. for the State Primary Election on September 11, 2018.

I recommend the City Council move to set the polling hours from 8:00 a.m. to 7:00 p.m. for the State Primary Election on September 11, 2018.

4. **Lease Re: AIDS Response Seacoast.** Attached is a proposed five-year lease with AIDS Response Seacoast. The City has been leasing office space in the Seybolt building to AIDS Response Seacoast for over twenty years. The current lease is set to expire September 30, 2018 and AIDS Response Seacoast has requested a new five-year term. The organization currently occupies office space on the fourth floor, with access to an elevator and a small conference room.

The current lease, like past leases, includes a rent which is adjusted annually. The rent beginning October 1, 2018 under this proposed lease would be \$1,819.60 for 1,834 square feet.

I recommend the City Council move that this Lease Agreement be brought forward to the City Council for a vote at the August 6, 2018 City Council meeting.

5. **City's Parking Lot Lease/Maintenance Agreement with the Portsmouth Housing Authority.** Historically the Portsmouth Housing Authority (PHA) has allowed the public to park in designated parking spaces on its land located on Court Street at City Tax Map 116, Lot 038, commonly known as the Court Street Parking Lot ("Lot"). The City has installed meters for public parking in the Lot and the parking revenue generated from these meters has been retained by the City. The PHA has also permitted the City's Fire Department to use 6 parking spaces in the Lot at no cost to the City. The City and PHA would like to enter into an Agreement to formalize the right of the public and Fire Department to continue to park in designated spaces in the Lot and for the PHA to receive the net parking revenue generated from the public's use of the parking spaces in the Lot. The PHA and the City's Legal Department have reviewed and approved the form of the attached Agreement.

I recommend the City Council move to authorize the City Manager to negotiate and enter into the Agreement with the Portsmouth Housing Authority as presented to allow the public and the Fire Department to park in designated parking spaces in the Court Street Parking Lot and for the net parking revenue generated from public parking to be paid to the PHA.

6. **Osprey Landing Water Tank Property.** The City of Portsmouth has decommissioned the former Osprey Landing Water Tank located off of Staysail Way in Spinnaker Point. The Spinnaker Point Condo Association is interested in acquiring the 65 by 60 foot parcel as it is surrounded by their property. This property is no longer needed for the water system, as other storage tanks have replaced the need for this one. Therefore, I recommend the potential disposition of the property to the Condo Association. Attached are a copy of a letter from Spinnaker Point Condominium, Osprey Tank Deeds, and a map indicating the location of the Osprey Landing Tank property.

I recommend the City Council move to refer this matter to the Planning Board for report back.

7. **Disposal of 1986 Rescue Truck.** The Fire Department would like to dispose of a 1986 rescue truck through the City's bidding process.

This vehicle was replaced by a 2018 E-One Rescue Truck, which was received by the department in May of 2018. There was no opportunity to trade-in the vehicle towards the purchase of the 2018 new rescue.

The 1986 rescue truck is Betten Rollup body on a Chevy C-70 chassis. It is powered by an 8.2 L Detroit diesel engine with 76,200.4 miles.

According to City Ordinance Section 1.505, any sale of property valued at or over \$500 must be authorized by the City Council and may be conducted by competitive bidding, public auction or any other means authorized by a two-thirds vote of the City Council.

As in the past, we have disposed the surplus equipment through a sealed bid process or through GovDeals an online auction site, in which the equipment is sold to the highest bidder.

The Finance Department has requested to use GovDeals to dispose of the rescue truck as it has shown in the past that the City receives more money for our surplus property than through a sealed bid process.

I recommend the City Council move to authorize the City Manager to dispose of surplus vehicle using GovDeals.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the updated Events Listing showing events from this date forward through 2018.](#) In addition, this can be found on the City's website.
2. **Update Re: Parking Garage.** [Attached is a memorandum from David Allen, Parking Garage Project Manager,](#) updating the City Council regarding the Foundry Place Parking Garage construction.
3. **News Release Re: City Receives State Approval for West End Economic Revitalization Zone (ERZ) Tax Credit Program.** For your information, [attached is a new release](#) announcing that the City has received State approval for the designation of an Economic Revitalization Zone (ERZ) Tax Credit Program in the City's West End in the area around the former City Public Works Facility site and the former Frank Jones Brewery site.
4. **Update Re: International Recycling Markets and Portsmouth's Recycling Budget Impacts.** [Attached is a memorandum](#) from Solid Waste Sustainability Coordinator Jacob Levenson updating the City Council regarding the recycling markets and budget impacts.

5. **Peirce Island Wastewater Treatment Facility Tour – Tuesday, July 24, 2018.** City staff are prepared to lead a public tour of the Peirce Island Wastewater Treatment Facility (WWTF) construction on Tuesday, July 24, 2018 beginning at 5:00 p.m. City staff will be guiding participating City Council members and the public through the construction site to provide an opportunity to observe the status of the ongoing construction.

The tour will last approximately an hour and will include a shuttle van for participants from the construction entrance on Peirce Island to the active construction site at the Wastewater Treatment Facility. The remainder of the tour will include walking along a prescribed route stopping at individual stations where information will be provided and there will be an opportunity to ask questions about the construction project. Due to the current condition of the site, access does not comply with Americans with Disabilities Act (ADA) requirements and rest rooms are limited. Special accommodations can be made if necessary. Since this is an active construction site, attendees must be adults only, and wear long pants and sturdy walking shoes or boots; no open toe shoes will be permitted. It is important to dress appropriately for outdoor conditions as this tour requires walking outdoors on rough, uneven and unpaved areas.

6. **Accepting Applications for Foundry Garage Monthly Leases.** The City is accepting applications for monthly parking at the Foundry Garage. Individuals can contact the Parking Office to reserve a monthly parking space with a first month's lease payment \$100.00 per month for a resident and \$125.00 per month for a non-resident.
7. **Report Back Re: Right-to-Know Requests.** [Attached is a matrix](#) with a history of Right-to-Know (RTK) requests to the City for five years from June 2013 through June 2018. Please note that there may be other RTK requests that are not included in this list. Going forward, we are going to administer all requests in the Legal Department.
8. **City Weed Control Program.** As you are aware in an effort to contain costs, the City Council voted to exclude an additional \$260,000 to fund the organic weed and turf management program in the Fiscal Year 2019 Budget. [Attached is a memorandum](#) from Public Works Director Peter Rice regarding the program.

CITY OF PORTSMOUTH
AND
PORTSMOUTH HISTORICAL SOCIETY

Dated as of _____, 2018~~4~~

Formatted: Right

THIS LEASE AGREEMENT dated as of _____, 201~~8~~ (the "Lease Agreement"), is by and between the City of Portsmouth (the "City"), a municipal corporation organized and existing under the laws of the State of New Hampshire and having a principal place of business at 1 Junkins Avenue, Portsmouth, New Hampshire and the Portsmouth Historical Society ("PHS") a non-profit corporation organized under the laws of New Hampshire having its principal place of business at 43 Middle Street, P.O. Box 728, Portsmouth, New Hampshire.

WHEREAS, the City owns property located at the corner of Islington Street and Middle Street, Portsmouth New Hampshire that previously housed the Portsmouth Public Library (the "Premises");

WHEREAS, the Premises was formerly addressed as 8 Islington Street, but has since been redesignated by the Department of Public Works as 10 Middle Street (for the main entrance to the Academy Building) and 30 Middle Street (for the entrance to the Morton-Benedict House);

WHEREAS, the Academy Building and the Morton-Benedict House located on the Premises are historic structures and subject to restrictive covenants;

WHEREAS, the Premises is also subject to a restrictive covenant relative to uses;

WHEREAS, PHS ~~has been first leased~~leasing the Premises ~~sfrom the City beginning in~~ ~~in~~ January of 2008. ~~The PHS entered into a subsequent twenty-five year lease (ten-year renewal) for the Premises in April 2011, the present lease to expire December 31, 2011;~~

WHEREAS, pursuant to the ~~terms of the previous existing~~leases, PHS has converted the former library to a one-stop central gateway and Visitor Center to the historical cultural and artistic venues of greater Portsmouth called the Discover Portsmouth Center (the "Center");

WHEREAS, PHS operates the Center and provides exhibition space to showcase the art and history of the region;

WHEREAS, PHS seeks a new long-term lease to facilitate financing and fundraising for the Center so as to build on previous large-scale improvement projects and historically-sensitive building modifications and to make further building enhancements and improvements as well as to continue to operate and expand Center programs and services and to provide continued exhibition space; and

WHEREAS, PHS currently has two subtenants, Star Island and the Seacoast African American Cultural Center, both of which are registered charities.

NOW THEREFORE, the parties agree as follows:

ARTICLE I

REPRESENTATIONS AND COVENANTS

Section 1.1 Representations and Covenants of the City: The City makes the following representations and covenants as the basis for the undertakings on its part herein contained:

- (a) The City has a fee interest in the Premises and hereby agrees to lease the Premises to PHS for the purpose of operating the Center pursuant to the terms of this Lease Agreement.
- (b) The City has full legal right and authority to execute and deliver this Lease Agreement and all other documents contemplated by this Lease Agreement. The Lease Agreement and the other documents contemplated have been authorized, executed and delivered by the City.
- (c) The Lease Agreement and the other documents contemplated constitute legal, valid and binding obligations of the City enforceable against the City in accordance with their respective terms.
- (d) The City has been induced to enter into this Lease Agreement by the undertaking of PHS to operate the Center.

Section 1.2 Representations and Covenants of PHS: PHS makes the following representations and covenants as the basis for the undertakings on its part herein contained:

- (a) PHS is a non-profit corporation duly organized and validly existing and in good standing under the laws of the State of New Hampshire and has full legal right and authority to execute, deliver and perform this Lease Agreement and the other documents contemplated hereby. This Lease Agreement and the other documents contemplated hereby have been authorized, executed and delivered by PHS.
- (b) This Lease Agreement and the other documents contemplated constitute legal, valid and binding obligations of PHS enforceable against PHS in accordance with their respective terms.
- (c) It is understood and agreed that the City shall have no responsibility for funding the Center with the exception of such commitments specifically described herein.

ARTICLE II

PREMISES

Section 2.1 Premises Description: With the excepting of the municipal parking area shown on Exhibit 1, the Premises consists of the land area, building and other improvements located at the former Portsmouth Public Library located at 8 Islington Street, now 10 Middle Street, and 30 Middle Street, Portsmouth, New Hampshire. The Premises includes all fixtures and equipment located within the Premises.

ARTICLE III

DEMISING CLAUSES AND RENTAL PROVISIONS

Section 3.1 Demise of Premises and Duration: The City hereby leases the Premises to PHS for a ~~25~~50-year term and PHS hereby takes the Premises for the development and operation of the Center upon the terms and conditions of this Lease Agreement. The Premises are subject to the rights-of-ways, easements, covenants and restrictions of record. The leasehold estate shall commence on July 1, 2018~~4~~ and end on June 30, 2068~~36~~. ~~On the completed execution of this Lease Agreement the previous Lease Agreement dated April, 26, 2011 is terminated and revoked in all respects except for those provisions which expressly survive termination. This lease shall replace the existing lease scheduled to terminate on December 31, 2011.~~

Section 3.2 Consideration in Lieu of Rent: In lieu of rent, PHS will (1) perform all maintenance and upkeep for the Premises including heating, plumbing, and air conditioning fixtures and equipment as well as paint and carpet; (2) make capital investments in the Premises ~~including removing barriers to accessibility and life safety related improvements, including the installation of new heating and air conditioning systems;~~ (3) other than the parking lot, maintain the grounds of the Premises; and (4) operate the Center for the benefit of the public.

Section 3.3 Renewal Terms: At least six (6) months prior to the expiration of the lease term, PHS shall advise the City in writing whether it seeks to renew the lease and ~~exercise its option to renew. If PHS seeks to renew the lease, it shall demonstrate to the City adequate financing or funding, or an ability to obtain adequate financing or funding, for both (1) continued operation, maintenance and capital improvements to the Premises and (2) operation of the Center and its exhibition space. It shall further demonstrate that the Center continues to serve a broad public purpose. In the event that PHS is able to demonstrate adequate financing and funding and that the public purpose of the Center continues to be met, the City shall extend this lease for an additional 10 year term provided there is no default. Nothing herein shall prohibit the parties from such addition renewal of the lease upon such terms as the parties may mutually agree; due consideration will be given the request for an extension. However, under no circumstance shall either party be obligated to enter any further lease, lease extension or renewal.~~

Section 3.4 Early Termination: Should PHS determine during the lease term that it is not financially feasible to continue with the lease of the Premises, PHS may terminate this lease upon sixty (60) days written notice to the City.

Section 3.5 Parking: The City shall be responsible for snow removal and abatement of ice in the parking lot in the same manner as any other municipal parking lot. The ~~six-seven~~ (67) parking spaces (consisting of ~~four~~ 5 regular ~~space~~ and ~~two-one~~ handicapped spaces) adjacent to the Keefe House, shall remain in the public domain. (See attached Exhibit 1). The City may make use of the ~~six-seven~~ (67) parking spaces as it deems to be in its best interest to include making the spaces available to the public, with or without charge. The remaining ~~seven-eight~~ (87) spaces adjacent to the Old Library Building (see Exhibit 1) shall be used by PHS and its tenants as PHS deems necessary. The parking lot and its driveway shall remain a common passageway.

ARTICLE IV

CONSTRUCTION, MANAGEMENT AND MAINTENANCE

Section 4.1 Operation of the Center: PHS will (i) construct, equip, maintain, operate and repair the Center for the term of this Lease Agreement, (ii) make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions with any other persons, and in general to do all things which may be requisite or proper, all for operating the Center, (iii) pay all fees, costs and expenses incurred relative to the operation and maintenance of the Center, and (iv) ask, demand, sue for, levy, recover and receive all such sums or money, debts, dues and other demands whatsoever which may be due, owing and payable related to the development of the Center under the terms of any contract, order, receipt, or writing in connection with the Center. Such Center shall be operated for the benefit of the public.

Section 4.2 Maintenance and Modifications of the Premises:

(a) During the Lease Term, PHS shall: (i) perform all operational maintenance for the buildings including without limitation all: 1) internal heating, plumbing, insulation, ventilation, air conditioning fixtures and equipment; and 2) cosmetic features such as paint, carpet, curtains, and furniture; and 3) structural features such as windows, doors, porch, roof, and brick; (ii) maintain the Premises in a safe condition; (iii) maintain all utilities including heat in the Premises at a minimum 55 degrees; and be responsible for the grounds including trees, grass and shrubs.

(b) PHS may make any internal structural additions, modifications or improvements to the Premises or any part thereof, provided: (i) such actions do not adversely affect the structural integrity of the Premises; (ii) are consistent with historic preservation requirements described in this Lease Agreement; and (iii) have the prior written approval of the City. The approval of the City shall not be unreasonably withheld. All such additions, modifications or improvements made by PHS shall become a part of the Premises.

(c) Should PHS elect to undertake external improvements, PHS shall obtain the advance written consent of the City and comply with all historic preservation requirements described in this Lease Agreement.

(d) PHS shall obtain all permits and approvals from all local, state and federal agencies as may be required prior to any construction, additions, modifications or improvements.

(e) PHS shall provide the City with copies of plans, studies, construction drawings, engineering studies and related documents that may be developed by PHS for the Premises.

4.3 Historic Preservation Requirements

Construction, rehabilitation, maintenance and repair shall, as applicable, be in accord with: (i) the Secretary of the Interior's Standards for Rehabilitation for preservation; (ii) consistent with a preservation easement found at Book 2312, Page 1184, at the Rockingham County Registry of Deeds (attached as Exhibit B2) and such subsequent easement as the City may enter into with the Division of Historic Resources; and (iii) the Historic Structures Report identifying and assessing the interior character defining features of the Academy Building and the Morton-Benedict House.

Section 4.4 Equipment/Installation of Additional Equipment.

PHS or any sublessee of PHS from time to time may install additional machinery, equipment or other personal property which if attached or affixed to the Premises, such machinery, equipment or other personal property shall become the property of the City unless the City otherwise agrees in writing. With advance written consent of the City, PHS may remove or permit the removal of such machinery, equipment and other personal property from the Premises, provided that any such removal of machinery, equipment or other personal property does not adversely affect the structural integrity of the Premises. If any damage is occasioned to the Premises by such removal, PHS agrees to promptly repair such damage at its own expense.

Section 4.5 Coordination with the City: Whenever PHS undertakes construction, rehabilitation or maintenance efforts that may materially increase the number of vehicles servicing the Premises, require use of a dumpster, create substantial noise or other disturbance, PHS will advise the City of the schedule of such construction efforts and work cooperatively with the City to minimize the negative impact on abutters.

Section 4.6 Early Termination: Either party may, upon 30 days written notice, terminate this Lease Agreement should there arise extraordinary necessary repairs to the Premises, such as but not limited to replacement of the roof or substantial failure of any of the mechanical systems. Neither party shall be required to bear the cost of such replacement and repair. Nothing shall limit PHS from undertaking such extraordinary repairs if it elects to do so.

Section 4.7 Damage or Destruction of the Premises: If the Premises shall be damaged or destroyed (in whole or in material part) at any time during the Lease Term, this Lease Agreement shall create no obligation on the part of the City to repair, replace, restore or relocate the Center and the City may exercise its right to terminate this Lease Agreement. Nothing herein impairs or affects such obligations the City may have under other legal instruments relative to repairs and restoration.

ARTICLE V

UTILITIES, TAXES AND INSURANCE

Section 5.1 Utility Charges, Assessments and Taxes:

(a) PHS agrees to pay, as the same become due and before any fine, penalty, interest (except interest which is payable in connection with legally permissible installment payments) or other cost may be added thereto or become due or be imposed by operation of law for the non-payment thereof, (i) all utility and other charges, including service charges, incurred or imposed for or with respect to the operation, maintenance, use, occupancy, upkeep and improvement of the Premises; and (ii) all assessments and charges of any kind whatsoever lawfully made by any governmental body for public improvements; provided that, with respect to special assessments or other governmental charges that may lawfully be paid in installments over a period of years, PHS shall be obligated under this Lease Agreement to pay only such installments as are required to be paid during the term of the Lease Agreement. PHS may in good faith contest any such assessments and other charges.

~~(b) The City shall be responsible for payment of the gas bill (gas powers the heating system) up to the first \$10,000.00 of the 2011-2012 heating season (November 1 - March 31). Amounts over \$10,000.00 shall be the responsibility of PHS. PHS shall reimburse the City within thirty (30) days of presentation of an invoice. No later than March 31, 2012, PHS shall coordinate with the City to have the gas bill transferred to PHS.~~

Formatted: Indent: First line: 0"

(c) The City agrees that no taxes/payments in lieu of taxes will be due under RSA 72:23 provided that PHS and any sublessee meet the test for charitable use set further in RSA 72:23(V) as may be amended. PHS shall provide documentation as may be requested by the City's Assessor to establish charitable use.

Section 5.2 Insurance Required: Throughout the Lease Term, PHS shall, at its sole cost and expense, maintain insurance against such risks and for such amounts as are customarily insured against by entities engaged in the types of activities in which PHS will be engaged, including, but not necessarily limited to:

(a) Workers' compensation insurance, to the extent required by the laws of the State of New Hampshire.

(b) Insurance protecting PHS against loss or losses from liability imposed by law or assumed in any written contract or arising from personal injury, including bodily injury or death, or damage to the property of others, caused by an accident or other occurrence, with a limit of liability of not less than \$2,000,000 (combined single limit for personal injury, including bodily injury or death, and property damage of which \$1,000,000 may be provided under an “umbrella” policy); comprehensive automobile liability insurance covering all owned, non-owned and hired autos, with a limit of liability of not less than \$1,000,000 (combined single limit or equivalent, protecting PHS against any loss or liability or damage for personal injury, including bodily injury or death, or property damage).

(c) PHS shall maintain such coverage necessary to insure its exhibits, equipment and other personal property placed in the building. PHS shall not be required to maintain property insurance on the building at this time.

(d) The parties acknowledge and agree that insurance coverages may need to be adjusted over the course of the term of this lease due to changes in the City’s Member Agreement and due to inflation and other economic factors. The parties agree to make good faith efforts to mutually agree upon such updates and adjustments to insurance coverage so as to maintain commercially reasonable amounts and to apportion equitably such costs and risks.

Section 5.3 Additional Provisions Respecting Insurance:

(a) All insurance required by this Lease Agreement shall be procured and maintained in financially sound and generally recognized responsible insurance companies authorized to write insurance in the State. Such insurance may be written with deductible amounts comparable to those on similar policies carried by entities engaged in the types of activities in which PHS will be engaged. All policies evidencing required insurance shall provide for payment of the losses to PHS, however, the City shall be identified as an additional insured party on liability policies.

(b) In the event that the Premises is sublet, sublessee shall be required to maintain insurance in such amounts and types as described in paragraph 5.2.

Section 5.4 City Coverage. The City shall maintain existing property and liability coverage on the Premises. The liability insurance of PHS shall be primary and the City’s secondary except to the extent that the loss arises from or is caused by the municipal use of the parking lot.

Section 5.5 Right of City to Pay Utilities, Insurance Premiums and Other Assessments or Charges: If PHS fails (i) to pay any utility charges, together with any fine, penalty, interest or cost which may have been added thereto, (ii) to maintain any insurance required to be maintained, (iii) to pay any amount required to be paid by any law or ordinance relating to the use or occupancy of the Premises, or (iv) to pay any other amount or perform any act hereunder required to be paid or performed by PHS hereunder, the City may pay or cause to be paid such charge, premium for insurance or other payment or may perform any such act. No such payment shall be made by the City until at least ten (10) days have elapsed since written notice shall have

been given by the City to PHS of the City's intent to pay. No such payment shall be made if PHS is contesting the same in good faith to the extent and as permitted by this Lease Agreement unless an Event of Default hereunder shall have occurred and be continuing. No such payment by the City shall affect or impair any rights of the City hereunder arising in consequence of such failure by PHS. PHS shall reimburse the City for any amount so paid or for reasonable expenses or costs actually incurred from unrelated third parties in the performance of any such act by the City pursuant to this Section.

ARTICLE VI

SPECIAL COVENANTS

Section 6.1 Alcohol on the Premises: There shall be no storage, consumption or service of alcoholic beverages on the Premises without the advance written approval of the City's Liquor Committee. Requests shall be directed to the City Manager for forwarding to the Committee.

Section 6.2 Memorial Use: PHS understands and agrees that there is a restrictive covenant on the Premises relative to use and that PHS shall develop and maintain a memorial use, through historic display or other efforts, sufficient to satisfy the restrictive covenant in the deed found at Box 617, Page 144 of the Rockingham County Registry of Deeds, ~~and attached as Exhibit B.~~

Section 6.3 Public Access: PHS understands and agrees that pursuant to the preservation easement reference in paragraph 4.3(b) the Academy Building and the Morton-Benedict Building must be made available/open to the public a minimum of twelve (12) days per year on an equitably spaced basis.

Section 6.4 No Warranty of Condition or Suitability by City: The City makes no warranty, either express or implied, that the Premises is or will be suitable for PHS' purposes or needs. PHS assumes the Premises as is and the City shall have no responsibility for the abatement of any hazardous materials or conditions on the property except as may be required under state and federal law.

Section 6.5 City Access: The City shall retain the right to fully access the Premises for the purposes of inspection, historic preservation consultant work and other purposes. Access shall be coordinated with PHS so as not to interfere with PHS' intended use of the Premises.

Section 6.6 Special Services/Indemnities:

(a) PHS agrees that the City, its Councilors, agents, and employees shall not be liable for and agrees to defend, indemnify, release and hold the City, its Councilors, agents, and employees harmless from and against any and all liability for loss or damage to Property or injury to or death of any and all Persons arising, directly or indirectly, in connection with this Lease or the Center. The foregoing indemnities shall apply notwithstanding the fault or

negligence in part of the City, or any of its Councilors, agents or employees and irrespective of the breach of a statutory obligation or the application of any rule of comparative or apportioned liability. The foregoing indemnities are limited only to the extent of any prohibitions imposed by law, and upon the application of any such prohibition by the final judgment or decision of a competent court of law, the remaining provisions of these indemnities shall remain in full force and effect.

(b) Notwithstanding any other provisions of this Lease Agreement, the obligations of PHS to maintain liability insurance coverage and to indemnify for all claims arising from PHS' lease of the Premises shall remain in full force and effect after the termination of this Lease Agreement until the expiration of the applicable statute of limitations during which a claim, cause of action or prosecution relating to the matters herein described may be brought and payment in full or the satisfaction of such claim, cause of action or prosecution relating to the matters herein described and the payment of all expenses and charges incurred by the City, or its respective Councilors, agents and employees, relating to the enforcement of the provisions herein specified.

(c) In the event of any claim against the City or its respective Councilors, agents or employees by any employee or contractor of PHS or anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, the obligations of PHS hereunder shall not be limited by any limitation on the amount or type of damages, compensation, disability benefits or other employee benefit acts.

6. Section 6.7 Financial Statements: In order to promote transparency and public confidence in financial transactions involving the use of city property, PHS shall, annually, provide to the City a profits & loss statement and balance sheet, a copy of the annual report filed with the New Hampshire Division of Charitable Trusts, and IRS Form 990 or such alternative documents as may be required by the regulating agencies.

Section 6.8 Compliance With Orders, Ordinances, Etc.:

(a) PHS, throughout the lease term, agrees that it will promptly comply with all statutes, codes, laws, acts, ordinances, orders, judgments, decrees, injunctions, rules, regulations, permits, licenses, authorizations, directions and requirements, ordinary or extraordinary, which now or at any time hereafter may be applicable to the Center or the Premises.

(b) Notwithstanding the provisions of subsection (a) hereof, PHS may in good faith contest the validity or the applicability of any requirement of the nature referred to in such subsection (a) by appropriate legal proceedings conducted in good faith and with due diligence. In such event, PHS may fail to comply with the requirement or requirements so contested during the period of such contest and any appeal there from, unless the City shall notify PHS that by failure to comply with such requirement or requirements, the Premises may be materially endangered or the Center or any part thereof may be subject to loss, penalty or forfeiture, in

Formatted: Normal (Web), Left, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 6 + Alignment: Left + Aligned at: 0.25" + Tab after: 0.5" + Indent at: 0.5"

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Font: 12 pt

which event PHS shall promptly take such action with respect thereto or provide such security as shall be satisfactory to the City.

Section 6.9 Discharge of Liens and Encumbrances: PHS, throughout the lease term, shall not permit or create or suffer to be permitted or created any Lien upon the Premises or Center or any part thereof by reason of any labor, services or materials rendered or supplied or claimed to be rendered or supplied. Notwithstanding the provision of subsection (a) hereof, PHS may in good faith contest any such Lien. In such event, PHS may permit the items so contested to remain undischarged and unsatisfied during the period of such contest and any appeal therefrom, unless the City shall notify PHS that by nonpayment of any such item or items, the Premises or Center or any part thereof may be subject to loss or forfeiture, in which event PHS shall promptly secure payment of all such unpaid items by filing a bond, in form and substance satisfactory to the City, thereby causing such Lien to be removed or by taking such other actions as may be satisfactory to the City to protect its interests.

ARTICLE VII

ASSIGNMENTS AND SUBLEASING

PHS may not assign or sublet in whole or in part, any interest in the Premises or the Lease Agreement without the prior written consent of the City Manager. Such consent shall not be unreasonably withheld. Any assignment or sublet shall be on the following conditions:

- (i) no assignment shall relieve PHS from primary liability for any of its obligations hereunder;
- (ii) the assignee, other than a lender taking an assignment for security purposes in making a loan, shall assume the obligations of PHS hereunder and become jointly and severally liable with PHS to the extent of the interest assigned or sublet;
- (iii) PHS shall, within ten (10) days after the delivery thereof, furnish to the City a true and complete copy of such assignment or sublease;
- (iv) PHS shall continue the operation of the Center;
- (v) neither the validity nor the enforceability of the Lease Agreement shall be adversely affected thereby.

ARTICLE VIII

EVENTS OF DEFAULT AND REMEDIES

Section 8.1 Events of Default:

- (a) The following shall be an "Event of Default" under this Lease Agreement:
 - (i) the failure by PHS to pay any amount due pursuant to this Lease Agreement;
 - (ii) the failure by PHS to observe or perform any obligation or covenant of the Lease Agreement subject to applicable cure periods;
 - (iii) any representation or warranty of PHS in this Lease Agreement or related documents shall prove to have been false or misleading in any material respect;
 - (iv) the dissolution or liquidation of PHS; the failure by PHS generally to pay its debts as they become due; an assignment by PHS for the benefit of

creditors; the commencement by PHS (as the debtor) of a case in bankruptcy or any proceeding under any other insolvency law; the commencement of a case in bankruptcy or any proceeding under any other insolvency law against PHS (as the debtor) and a court having jurisdiction over the Premises enters a decree or order for relief against PHS as the debtor in such case or proceeding, or such case or proceeding is consented to by PHS or remains undismissed for forty (40) days, or PHS consents to or admits the material allegations against it in any such case or proceeding; or a trustee, receiver or agent (however named) is appointed or authorized to take charge of substantially all of the property of PHS for the purpose of enforcing a lien against such Property or for the purpose of general administration of such Property for the benefit of creditors;

- (v) PHS fails to operate the Center for the benefit of the public; and
- (vi) PHS fails to meet the terms or conditions of any federal, state or local funding received.

(b) If by reason of force majeure any party hereto shall be unable in whole or in part to carry out its obligations under this Lease Agreement and if such party shall give notice and full particulars of such force majeure in writing to the other party, within a reasonable time after the occurrence of the event or cause relied upon, such obligations under this Lease Agreement of the party giving such notice (and only such obligations), so far as they are affected by such force majeure, shall be suspended during continuance of the inability, which shall include a reasonable time for the removal of the effect thereof. The term "force majeure" as used herein shall include, without limitation, acts of God, strikes, lockouts or other industrial disturbances, acts of public enemies, acts, priorities or orders of any kind of the government of the United States of America or of the State or any of their departments, agencies, governmental subdivisions, or officials, any civil or military City, insurrections, riots, epidemics, landslides, lightning, earthquakes, fire, hurricanes, storms, floods, washouts, droughts, arrests, restraint of government and people, civil disturbances, explosions, breakage or accident to machinery, transmission pipes or canals, shortages of labor or materials or delays of carriers, partial or entire failure of utilities, shortage of energy or any other cause or event not reasonably within the control of the party claiming such inability and not due to its fault. The party claiming such inability shall remove the cause for the same with all reasonable promptness. It is agreed that the settlement of strikes, lockouts and other industrial disturbances shall be entirely within the discretion of the party having difficulty, and the party having difficulty shall not be required to settle any strike, lockout and other industrial disturbances by acceding to the demands of the opposing party or parties.

Section 8.2 Remedies on Default:

- (a) Whenever any Event of Default shall have occurred, the City may take, to the extent permitted by law, any one or more of the following remedial steps:
 - (i) declare, by written notice to PHS, to be immediately due and payable, any and all other payments due under this Lease Agreement;

- (ii) take any other action as it shall deem necessary to cure any such Event of Default, provided that the taking of any such actions shall not be deemed to constitute a waiver of such Event of Default;
- (iii) terminate this Lease Agreement; and
- (iv) take any other action at law or in equity which it deems necessary or desirable to collect the payments then due or thereafter to become due hereunder, to secure possession of the Premises, and to enforce the obligations, agreements or covenants of PHS under this Lease Agreement.

(b) No action taken pursuant to this Section (including repossession of the Premises) shall relieve PHS from its obligations to make all payments required by this Lease Agreement.

(c) After an Event of Default shall have occurred, PHS shall have the right upon notice to the City to enter the Premises with agents or representatives of the City to remove any Equipment or other personal property owned by PHS if such equipment or personal property is not part of the Premises.

Section 8.3 Remedies Cumulative: No remedy herein conferred upon or reserved to the City is intended to be exclusive of any other available remedy. Each remedy shall be cumulative and in addition to other remedies now or hereafter existing at law or in equity. No delay or omission to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver thereof, but any such right and power may be exercised from time to time and as often as may be deemed expedient.

Section 8.4 No Additional Waiver Implied by One Waiver: In the event any obligation contained herein should be breached by any party and thereafter waived by any other party, such waiver shall be limited to the particular breach so waived and shall not be deemed to waive any other breach hereunder.

Section 8.5 Cure Period: The City shall give PHS written notice upon the occurrence of an Event of Default and PHS shall have thirty (30) days from the date of receipt of such notification to cure such Event of Default before the City exercises any of the "Remedies on Default" set forth in this section.

ARTICLE IX

SIGNAGE

PHS shall not place banners or other signage without prior written approval from the City and such banners and signage shall be subject to any and all local, state or federal regulations relative to signage. PHS may post as restricted any parking on the Premises and implement any enforcement activities relative to the parking spaces including towing subject to coordination and approval of the City.

ARTICLE X

SURRENDER OF THE PREMISES

At the end of the lease term, the Premises shall be surrendered to the City in good order and broom clean. Reasonable wear and tear accepted with all alternations, decorations and improvements that may have been made to the Premises becoming the property of the City Manager.

ARTICLE XI

MISCELLANEOUS

Section 11.1 Notices: All notices, certificates and other communications hereunder shall be in writing and shall be either delivered personally or sent by certified mail, postage prepaid, return receipt requested, addressed as follows or to such other address as any party may specify in writing to the other:

To the City:

City Manager
1 Junkins Avenue
Portsmouth, New Hampshire 03801

With a copy to:

City Attorney
1 Junkins Avenue
Portsmouth, New Hampshire 03801

To PHS:

Portsmouth Historical Society
P.O. Box 728
Portsmouth, New Hampshire 03801

With a copy to:

~~K. Joshua Scott, Esq.~~
~~Jackson-Lewis, LLP~~ Daniel C. Hoefle

Hoefle, Phoenix, Gormley & Roberts, P.A.
127 Parrott Avenue
Portsmouth, NH 03801
100 International Drive,
Suite 363
Portsmouth, NH 03801

Section 11.2 Binding Effect. This Lease Agreement shall inure to the benefit of and shall be binding upon the parties and their respective successors and assigns.

Section 11.3 Severability: In the event any provision of this Lease Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

Section 11.4 Amendments, Changes and Modifications: This Lease Agreement may not be amended, changed, modified, altered or terminated except in a writing executed by the parties hereto.

Section 11.5 Execution of Counterparts: This Lease Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

Section 11.6 Applicable Law: This Lease Agreement shall be governed by the laws of the State of New Hampshire without regard or reference to its conflict of laws principles.

Section 11.7 Non-Recourse: Notwithstanding any provision hereof to the contrary, or any other express or implied agreement between the parties, or any act or course of conduct hereunder, the obligations of the parties set forth herein shall solely be those of the entities named in the first paragraph of this Lease Agreement. No Councilor, employee or agent of the City shall have any personal liability whatsoever under this Lease Agreement, nor shall any officer, director, shareholder, general or limited partner, employee or agent of PHS have any personal liability whatsoever under this Lease Agreement, it being understood and agreed that the City shall look solely to the assets of PHS for recourse hereunder.

Section 11.8 Cooperation: The City and PHS agree that they will cooperate with one another in all respects in furtherance of the Center. In particular, the City recognizes that the operation of the Center and the varied sources of funding make it difficult to anticipate every potential provision which may be required in this Lease Agreement. From time to time, PHS may request modifications to the Lease Agreement to satisfy the requirements of financing sources including, without limitation, government agencies and private lenders and equity sources. The City will use reasonable efforts to accommodate the requests of such financing sources and will not unreasonably withhold or delay its approval and execution of modifications to this Lease Agreement which do not materially and adversely alter the basic terms hereof. Nothing herein shall impose upon the City any requirement to approve any modification or amendment to the Lease Agreement which would violate or contravene any applicable laws or any contract or agreement to which the City is a party or which is binding on the City. The City

agrees that it will, upon request of PHS, from time to time, enter into an Amended and Restated Lease combining into one document the entire Lease and all amendments and modifications theretofore entered into.

Section 11.9 Table of Contents and Section Headings not Controlling: The Table of Contents and the headings of the several sections in this Lease Agreement have been prepared for convenience of reference only and shall not control or affect the meaning of or be taken as an interpretation of any provision of this Lease Agreement.

IN WITNESS WHEREOF, the City and PHS have caused this Lease Agreement to be executed in their respective names by their duly authorized officers, all as of the date first written above.

THE CITY OF PORTSMOUTH

PORTSMOUTH HISTORICAL SOCIETY

By: _____
John P. Bohenko, City Manager
Authorized by vote of the City
Council _____.

By: _____
Name: _____

STATE OF NEW HAMPSHIRE: ss.
COUNTY OF ROCKINGHAM

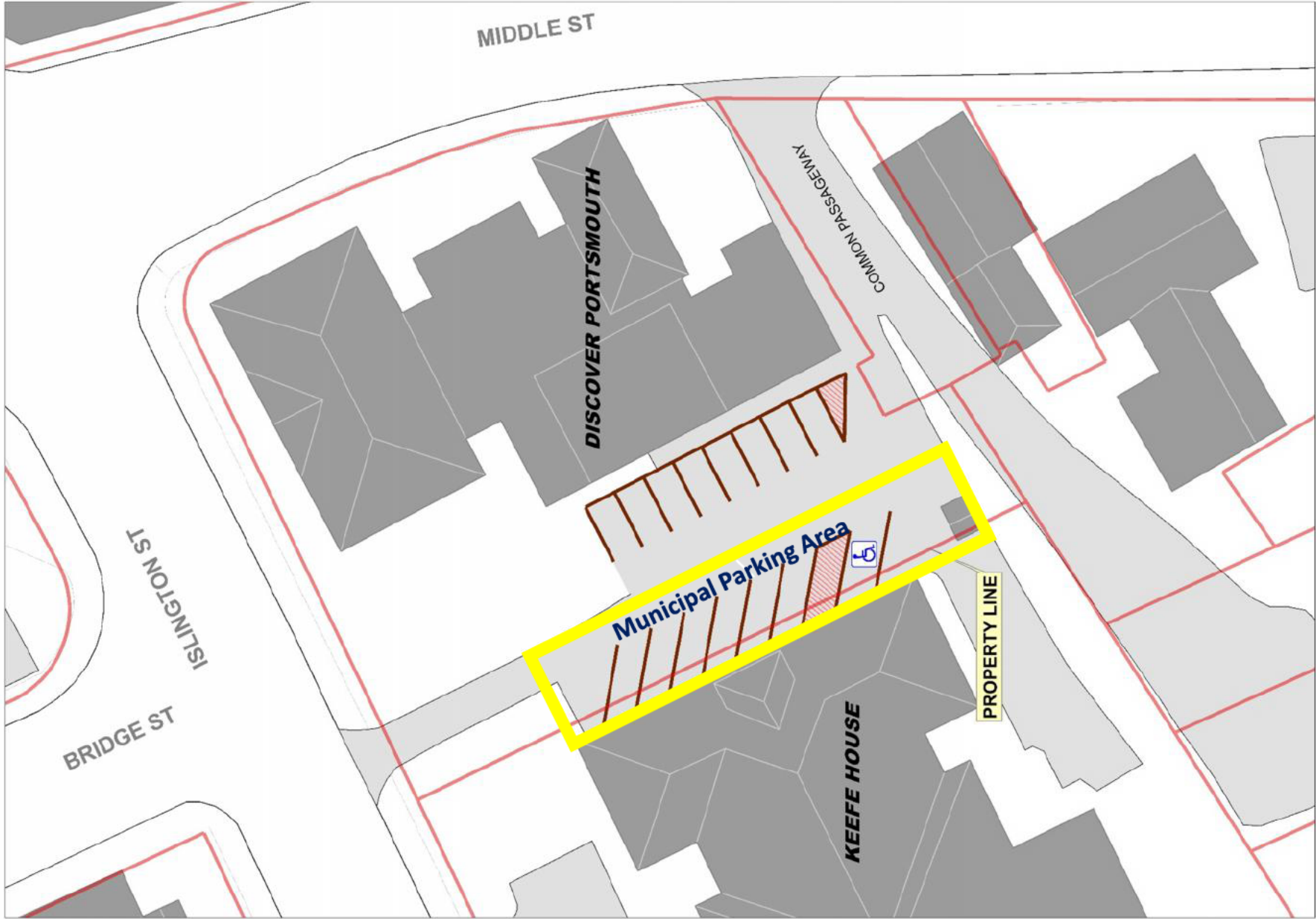
On this ____ day of _____, 2018~~1~~, before me, _____, a Notary Public in and for said County and State, personally appeared **John P. Bohenko**, personally known to me (on the basis of satisfactory evidence) to be the **City Manager** of the **City of Portsmouth** and on oath stated that he was authorized to execute this instrument and acknowledged it to be his free and voluntary act for the uses and purposes set forth herein.

Notary Public in and for said County and State
Printed Name: _____
My commission expires: _____

STATE OF NEW HAMPSHIRE: ss.
COUNTY OF ROCKINGHAM

On this ____ day of _____, 2018~~4~~, before me, _____, a Notary Public in and for said County and State, personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the _____ of the Portsmouth Historical Society, and on oath stated that she/he was authorized to execute this instrument and acknowledged it to be her/his free and voluntary act for the uses and purposes set forth herein.

Notary Public in and for said County and State
Printed Name: _____
My commission expires: _____



PLAN OF PARKING REARRANGEMENT
OLD LIBRARY BUILDING
8 ISLINGTON STREET
CITY OF PORTSMOUTH

'78 JUN -5 9:11:10

REC'D ROCKINGHAM COUNTY
REGISTRY OF DEEDS

2312-1184

HISTORIC PRESERVATION DEED (COVENANT)

14510

from

THE CITY OF PORTSMOUTH, NEW HAMPSHIRE, GRANTOR

to

THE STATE OF NEW HAMPSHIRE

The parties of this Covenant are the State of New Hampshire, by and through the State Historic Preservation Office of the Department of Resources and Economic Development at mailing address: Box 856, Concord, New Hampshire, 03301 (hereinafter referred to as the State of New Hampshire) and THE CITY OF PORTSMOUTH, a New Hampshire city existing under the laws of the State of New Hampshire, and having its principal place of business at the Portsmouth City Hall, 126 Daniel Street, Portsmouth, New Hampshire 03801 (hereinafter referred to as the Grantor).

WHEREAS, the Grantor certifies that it is the owner of properties known as the Benedict House (Thomas W. Penhallow House) located at 30 Middle Street, Portsmouth, New Hampshire, and the Portsmouth Public Library (Portsmouth Academy), located at 8 Islington Street, Portsmouth, New Hampshire, and more particularly described in a certain Project Initiating Letter, with Attachments 1 through 5, dated June 23, 1975 (which documents are on file in the Historic Preservation Office and hereby become part of this Agreement); and in certain deeds recorded July 21, 1951 (Benedict House), and April 3, 1906 (Portsmouth Public Library) in the Rockingham County Registry of Deeds in Book 1233, Page 007 (Benedict House), and Book 617, Page 144 (Portsmouth Public Library); and,

WHEREAS, in consideration of receiving by and through the State of New Hampshire a Historic Preservation Grant-in-Aid from the Office of Archaeology and Historic Preservation, National Park Service, US Department of the Interior, under the National Historic Preservation Act of 1966 (P. L. 89-665) for the preservation of said Benedict House and Portsmouth Public Library, properties listed in the National Register of Historic Places on May 11, 1973 (Benedict House) and on March 20, 1973 (Portsmouth Public Library) under provisions of the National Historic Preservation Act of 1966 (P. L. 89-665); and so as to ensure the preservation for the public benefit of the architectural, historical, archaeological and cultural integrity of aforesaid Federally-assisted properties;

NOW THEREFORE, in consideration of the mutual promises hereinafter set forth, the parties hereto agree as follows:

The Grantor hereby grants to the State of New Hampshire by and through the Historic Preservation Office of the Department of Resources and Economic Development the right to enforce for a period of Forty (40) years from the date of approval of this instrument by the Governor and Council against Grantor, its successors and assigns, with respect to the Benedict House and Portsmouth Public Library, the historic preservation restrictions (covenants) set forth below, pursuant to New Hampshire Revised Statutes Annotated 477:45-47 (supp.); and Grantor covenants and agrees for itself and its successors and assigns that for a period of Forty (40) years from the date of approval of this instrument by Governor and Council, the Benedict House and Portsmouth Public Library property shall be subject to these historic preservation restrictions (covenants); and do all acts required thereby.

PRESERVATION RESTRICTIONS

1. Maintenance and Administration: The Grantor agrees to assume the total cost of continued maintenance, repair, and administration of the Benedict House and Portsmouth Public Library so as to preserve the architectural and historical integrity of their features, materials appearance, workmanship, and environment. Architectural and historical integrity shall be defined as those significant characteristics which originally qualified the property for

2312-1185

entry in the National Register of Historic Places. Nothing herein shall prohibit the Grantor from seeking financial assistance from any sources available to Grantor.

2. Public Benefit: The Grantor agrees to ensure that the significant qualities of the properties can be appreciated from the public right-of-way; The Grantor agrees to ensure that the properties shall be open to the public for interior visitation the equivalent of no less than twelve (12) days a year on an equitably spaced basis, and at other times by appointment.

3. Inspection and Compliance: The Grantor agrees that the State of New Hampshire through its Historic Preservation Office, shall have the right to inspect the Benedict House and Portsmouth Public Library at reasonable times to ascertain whether the terms of this covenant are being complied with.

4. Exclusion: The Grantor agrees that the State of New Hampshire in no way assumes any obligation for maintaining, repairing, or administering the Benedict House and Portsmouth Public Library.

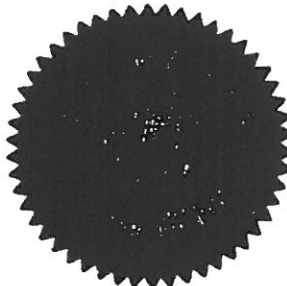
5. Continuation: The Grantor understands and agrees that, in the event the Benedict House and/or Portsmouth Public Library is/are destroyed or substantially damaged through no willful action or neglect of the Grantor, and if it is determined by the Secretary of the Interior that, despite the damage, the property/ies is/are to remain on the National Register of Historic Places, all the obligations of this Covenant shall continue unabated, consistent with the public interest in protection, restoration, rehabilitation, or reconstruction of the property/ies, or other alternatives, as determined in writing by the National Park Service in consultation with the Historic Preservation Office. However, should the assisted properties be damaged to such an extent that they no longer qualify for the National Register, as determined by the Secretary of the Interior, this provision shall not be enforced.

6. Enforcement: The burden of these preservation restrictions, enumerated in Items 1 through 5, shall run with the land and be binding upon the Grantor, its successors and assigns. It is explicitly agreed by the Grantor that this covenant shall be enforceable by the State of New Hampshire in the courts of this State, and that in such case the full cost of enforcement (including reasonable attorneys' fees) shall be borne by the Grantor.

IN WITNESS WHEREOF, THE CITY OF PORTSMOUTH has caused this instrument to be executed in its municipal name by its City Manager, and caused its municipal seal to be hereunto affixed, on this 17th day of May, 1977.

THE CITY OF PORTSMOUTH, NEW HAMPSHIRE ("Grantor")

BY: *Calvin A. Canney*
(signature)
Calvin A. Canney
(print name)
Portsmouth City Manager
(title)



Witnesses:

(1) Attest: *A. Robert Thoresen*
(signature)

A. Robert Thoresen
(print name)
126 Daniel Street
Portsmouth, N.H.
(address)

(2) Attest: *Donald B. Young*
(signature)

Donald B. Young
(print name)
126 Daniel Street
Portsmouth, N.H.
(address)

Acknowledgement:

State of New Hampshire

2312-1186

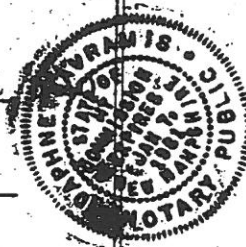
County of Rockingham

On this 17th day of May, 1977, before me,
Daphne L. Savramis, the undersigned officer,
personally appeared Calvin A. Canney who acknowledged himself to be the
duly appointed City Manager of the City of Portsmouth, a New Hampshire
municipality, and that he, as such City Manager, being authorized so to do,
executed the foregoing instrument for the purposes therein contained, by
signing the name of the CITY OF PORTSMOUTH by himself as City Manager.

In witness whereof I hereunto set my hand and official seal.

Daphne L. Savramis
(signature)

Daphne L. Savramis
(print name)



NOTARY PUBLIC

2312-1187

Certificate:

I, Evelyn Hanscom, City Clerk of the City of Portsmouth, do hereby certify that:

1. I am the duly appointed City Clerk of the City of Portsmouth, a New Hampshire municipality;
2. I maintain and have custody of and am familiar with the seal and minute books of the City;
3. I am duly authorized to issue certificates with respect to the contents of such books and to affix such seal to such certificates;
4. The following is a true, accurate and complete copy of the resolution adopted by the City Council of the City of Portsmouth at a meeting of the said City Council held on the 16th day of May, 1977, which meeting was duly held in accordance with New Hampshire law and the Charter of the City of Portsmouth:

RESOLVED:

That Calvin A. Canney, City Manager, is hereby authorized to sign this Historic Preservation Deed (Covenant) from the City of Portsmouth to the State of New Hampshire regarding the preservation restrictions set forth in this document.

5. At a meeting of the City Council on the fourteenth day of September, 1970, a Resolution was adopted which includes the following provision:

"BE IT RESOLVED, by the City Council of the City of Portsmouth, New Hampshire, assembled as follows:

"THAT, Calvin A. Canney is hereby appointed City Manager.

"BE IT FURTHER RESOLVED, that he be authorized and is hereby authorized to act in all matters as the City Manager would be and to sign all documents as the City Manager would be, by Charter, Ordinance and State Law.

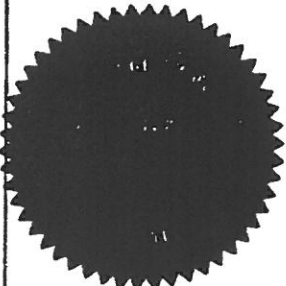
"This Resolution shall take effect upon its passage."

6. The foregoing Resolutions have not been revoked, annulled or amended in any manner whatsoever, and remain in full force and effect as of the date hereof;
7. The following person has been duly appointed to and now occupies the office indicated below:

CALVIN A. CANNEY is the duly appointed CITY MANAGER,
CITY OF PORTSMOUTH

8. The City of Portsmouth has a seal.

IN WITNESS WHEREOF, I have hereunto set my hand as the City Clerk of the City of Portsmouth, this 17th day of May, 1977.



Evelyn Hanscom
signature

Evelyn Hanscom
City Clerk, City of Portsmouth

2312-1188

Approvals:

Approved by the New Hampshire Office of Attorney General this _____

day of May 16, 1977.

Richard V. Weisbach
signature

print name

Approved by the Governor and Executive Council this 27

day of May, 1977.

William M. Gardner
signature

William M. Gardner
print name



VE-13-FD-02: VEHICLE REPLACEMENT – FIRE ENGINE 6

Department	Fire Department
Project Location	Station 1 (170 Court Street)
Project Type	Replacement or Purchase of a Vehicle
Commence FY	2019
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)



Evaluation Criteria	Satisfy
Identified in Planning Document or Study – Self-Assessment of FD Operations: April 2015	Y
Improves Quality of Existing Services	Y
Provides Added Capacity to Existing Services	
Addresses Public Health or Safety Need	Y
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	

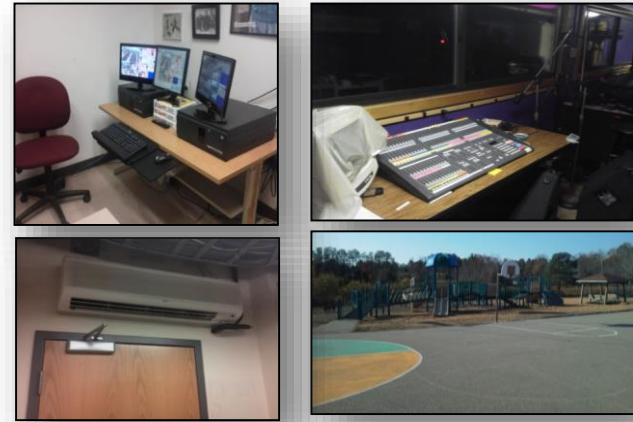
Description: This project continues the CIP Rolling Stock Replacement Program for large apparatus. This allocation will purchase a new custom rescue pumper with a 4-person cab with medical compartments, five-hundred (500) gallon water tank, 1,500 GPM pump, and related equipment to replace this 1999 Emergency One pumper. Funds include complete set-up including radio, lettering and striping as well as equipment.

- Useful Website Links:
- [Portsmouth Fire Department Homepage](#)
 - [FY18-23 CIP page](#)

		FY19	FY20	FY21	FY22	FY23	FY24	Totals 19-24	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	100%	\$600,000						\$600,000	\$0	\$600,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$600,000	\$0	\$0	\$0	\$0	\$0	\$600,000	\$0	\$600,000

BI-07-SC-11: SCHOOL FACILITIES CAPITAL IMPROVEMENTS

Department	School Department
Project Location	District Wide
Project Type	Rehabilitation of Existing Facilities
Commence FY	On-Going
Priority	O (Ongoing or Programmatic)
Impact on Operating Budget	Negligible (<\$5,001)



Evaluation Criteria	Satisfy
Identified in Planning Document or Study	
Improves Quality of Existing Services	
Provides Added Capacity to Existing Services	
Addresses Public Health or Safety Need	
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	Y
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	

Description: The Portsmouth School Department has maintenance responsibilities for seven (7) buildings and the grounds that accompany them. The tri-annual appropriation is used for building and grounds improvement projects such as roof, windows, and infrastructure replacement and improvements. The next appropriation will focus on the athletic complex at Portsmouth High School.

Useful Website Links:

- [Portsmouth School Department Homepage](#)
- [FY18-23 CIP page](#)

		FY19	FY20	FY21	FY22	FY23	FY24	Totals 19-24	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	100%	\$500,000			\$500,000			\$1,000,000	\$1,000,000	\$2,000,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$500,000	\$0	\$0	\$500,000	\$0	\$0	\$1,000,000	\$1,000,000	\$2,000,000

BI-07-SC-11 : SCHOOL FACILITIES CAPITAL IMPROVEMENTS

<u>School</u>	<u>Project</u>	<u>Estimated Cost</u>
High School	Auditorium Lighting and Sound Upgrade/ Replacement	\$100,000
High School	Energy Conservation Lighting Project	\$100,000
High School	Athletic Complex - Upgrade/ Replacement of Track, scoreboards, fencing and irrigation	\$300,000
	<u>Total High School</u>	<u>\$500,000</u>
<hr/> TOTAL IMPROVEMENTS		\$500,000

BI-19-FD-08: FIRE STATION ONE RENOVATION

Department	Fire Department
Project Location	Fire Station One (170 Court St)
Project Type	Rehabilitation of a Facility
Commence FY	FY2019
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Minimal (\$5,002 to \$50,000)

Evaluation Criteria	Satisfy
Identified in Planning Document or Study: Self-Assessment of FD Operations: April 2015	Y
Improves Quality of Existing Services	
Provides Added Capacity to Serve Growth	
Addresses Public Health or Safety Need	Y
Reduces Long-Term Operating Costs	Y
Alleviates Substandard Conditions or Deficiencies	Y
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	



Description: This project focuses on four (4) areas of required improvements to the city's central fire station. These include the structural replacement of the driveway / apparatus apron, replacement of failing and unsafe rear outside entrance stairway and deck, improvements to primary bathroom facilities to accommodate current workforce, and renovations to primary public entrance and stairwell. The design engineering was completed for structural replacement of the apparatus apron in 2017.

Useful Website Links:

- [Portsmouth Fire Department Homepage](#)

		FY19	FY20	FY21	FY22	FY23	FY24	Totals 19-24	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	100%	\$325,000						\$325,000	\$0	\$325,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$325,000	\$0	\$0	\$0	\$0	\$0	\$325,000	\$0	\$325,000

BI-11-CD-27: PRESCOTT PARK FACILITIES CAPITAL IMPROVEMENTS

Department	Trustees of Trust Funds
Project Location	Prescott Park
Project Type	Rehabilitation of an Existing Facilities
Commence FY	On-Going
Priority	O (Ongoing or Programmatic)
Impact on Operating Budget	Negligible (<\$5,001)



Description: In 2017, the City Council adopted the [Prescott Park Master Plan](#), which articulates a broad vision for Prescott Park into the next century. Today's Park - the result of a half century of assembling industrial parcels and transforming them into parkland - is in need of an overhaul. The opportunity to renovate the Park also presents opportunities to plan for climate adaptation, preserve invaluable antique historic structures, purposefully accommodate performance & event space, and ensure iconic Portsmouth places continue to define the City's life into the future. The Master Plan document calls for Park improvements to be funded through a number of sources, including fundraising and donations; revenues from Park licensees; grant-support for climate adaptation; and as traditional sources of municipal project funding.

Evaluation Criteria	Satisfy
Identified in Planning Document or Study: 2017 Prescott Park Master Plan	Y
Improves Quality of Existing Services	Y
Provides Added Capacity to Existing Services	
Addresses Public Health or Safety Need	
Reduces Long-Term Operating Costs	Y
Alleviates Substandard Conditions or Deficiencies	
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	

Useful Website Links:

- [Community Development Homepage](#)
 - [Prescott Park Homepage](#)
- [Prescott Park Advisory Committee](#)
 - [Public Works Homepage](#)
 - [FY18-23 CIP page](#)

		FY19	FY20	FY21	FY22	FY23	FY24	Totals 19-24	6 PY's Funding	Totals
GF	7%	\$50,000	\$125,000	\$125,000	\$125,000	\$125,000	\$125,000	\$675,000	\$415,000	\$1,090,000
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	47%	\$2,325,000	\$1,750,000	\$1,050,000	\$750,000	\$900,000	\$850,000	\$7,625,000	\$0	\$7,625,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	47%	\$2,325,000	\$1,750,000	\$1,050,000	\$750,000	\$900,000	\$850,000	\$7,625,000	\$0	\$7,625,000
	Totals	\$4,700,000	\$3,625,000	\$2,225,000	\$1,625,000	\$1,925,000	\$1,825,000	\$15,925,000	\$415,000	\$16,340,000

BI-15-PW-35: OUTDOOR POOL UPGRADE

Department	Public Works
Project Location	Peirce Island
Project Type	Rehabilitation of a Facility
Commence FY	2019
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)

Evaluation Criteria	Satisfy
Identified in Planning Document or Study	
Improves Quality of Existing Services	Y
Provides Added Capacity to Existing Services	
Addresses Public Health or Safety Need	Y
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	Y
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	



Description: This project includes replacement of the pool's bathhouse. The original bathhouse was constructed in the 1950's and has not been renovated. The existing bathhouse needs significant upgrades to meet current needs.

Useful Website Links:

- [Public Works Homepage](#)
- [Recreation Department](#)
 - [Outdoor Pool](#)
 - [FY18-23 CIP page](#)

		FY19	FY20	FY21	FY22	FY23	FY24	Totals 19-24	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	100%	\$1,000,000						\$1,000,000	\$500,000	\$1,500,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$1,000,000	\$0	\$0	\$0	\$0	\$0	\$1,000,000	\$500,000	\$1,500,000

BI-19-PW-41: CITY HALL COMPLEX ELECTRICAL UPGRADES

Department	Public Works
Project Location	City Hall Complex
Project Type	Rehabilitation of a Facility
Commence FY	2019
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)

Evaluation Criteria	Satisfy
Identified in Planning Document or Study	
Improves Quality of Existing Services	Y
Provides Added Capacity to Existing Services	Y
Addresses Public Health or Safety Need	
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	



Description: The electrical system at City Hall needs upgrading due to age and deteriorating condition. Power outages are occurring more frequently and causing additional strain on the aging system. This project would improve service reliability and increase operational efficiency.

Useful Website Links:

- [Public Works Homepage](#)

		FY19	FY20	FY21	FY22	FY23	FY24	Totals 19-24	6 PY's Funding	Totals
GF	8%	\$50,000						\$50,000	\$0	\$50,000
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	92%	\$600,000						\$600,000	\$0	\$600,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
Totals		\$650,000	\$0	\$0	\$0	\$0	\$0	\$650,000	\$0	\$650,000

TSM-18-PW-69: CITYWIDE BRIDGE IMPROVEMENTS

Department	Public Works
Project Location	Citywide
Project Type	Rehabilitation of a Facility
Commence FY	On-going
Priority	O (ongoing or programmatic)
Impact on Operating Budget	Negligible (<\$5,001)



Evaluation Criteria	Satisfy
Identified in Planning Document or Study	
Improves Quality of Existing Services	
Provides Added Capacity to Existing Services	
Addresses Public Health or Safety Need	Y
Reduces Long-Term Operating Costs	Y
Alleviates Substandard Conditions or Deficiencies	
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	

Description: This project provides for the maintenance of City bridges. Typical bridge maintenance activities include sealing the concrete surfaces, replacing the pavement surfaces, replacing the bridge membranes and replacing, maintaining or upgrading railing systems and fences. The FY19 funds are designated for the design and rehabilitation of the deck of the Kearsarge Way Bridge. The deck membrane is failing and the concrete deck is deteriorating due to heavy traffic loads and exposure to salt.

Useful Website Links:
<ul style="list-style-type: none"> • Public Works Homepage • FY18-23 CIP page

		FY19	FY20	FY21	FY22	FY23	FY24	Totals 18-23	6 PY's Funding	Totals
GF	50%		\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$250,000	\$100,000	\$350,000
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	50%	\$350,000						\$350,000	\$0	\$350,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$350,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$600,000	\$100,000	\$700,000

TSM-14-PW-75: LONGMEADOW ROAD EXTENSION

Department	Public Works
Project Location	Longmeadow Road
Project Type	New Road Construction
Commence FY	2019
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)



Evaluation Criteria	Satisfy
Identified in Planning Document or Study	
Improves Quality of Existing Services	Y
Provides Added Capacity to Existing Services	
Addresses Public Health or Safety Need	Y
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	Y
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	

Description: During the approval process for the new Service Credit Union on Lafayette Road, land and other improvements were set up to allow for expanding Longmeadow Road. It would connect with Lang Road near the back driveway to the Beechstone Apartment Complex. This road would remove left turn traffic from Lang Road onto US Route 1. Vehicle accidents and traffic congestion are common at this intersection. Lang Road traffic turning south on US Route 1 would be re-routed onto Longmeadow Road and ultimately to the Longmeadow, Ocean Road, US Route 1 traffic signal.

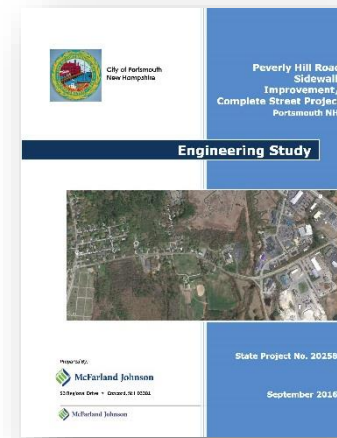
Useful Website Links:

- [Public Works Homepage](#)
- [FY18-23 CIP page](#)

		FY19	FY20	FY21	FY22	FY23	FY24	Totals 19-24	6 PY's Funding	Totals
GF	26%							\$0	\$250,000	\$250,000
Fed/ State	32%	\$300,000						\$300,000	\$0	\$300,000
Bond/ Lease	42%	\$400,000						\$400,000	\$0	\$400,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$700,000	\$0	\$0	\$0	\$0	\$0	\$700,000	\$250,000	\$950,000

TSM-16-PW/NH-76: PEVERLY HILL ROAD IMPROVEMENTS

Department	Public Works
Project Location	Peverly Hill Road
Project Type	Upgrade of Existing Facilities
Commence FY	2019
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)



Evaluation Criteria	Satisfy
Identified in Planning Document or Study – Bicycle and Pedestrian Plan 2014	Y
Improves Quality of Existing Services	
Provides Added Capacity to Existing Services	
Addresses Public Health or Safety Need	
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	Y
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	

Description: This project will be completed in conjunction with the current Federal/State funded Congestion Mitigation sidewalk improvements project. It will upgrade approximately one (1) mile of Peverly Hill Road between Middle Rd (Route 33) and Lafayette Rd (Route 1). The project is intended to create a “complete street” including providing safe on-road and off-road connections for bicycles, continuous sidewalks and the required drainage improvements, utilities and roadway cross-section elements.

- Useful Website Links:
- [Public Works Homepage](#)
 - [FY18-23 CIP page](#)

		FY19	FY20	FY21	FY22	FY23	FY24	Totals 19-24	6 PY's Funding	Totals
GF	6%							\$0	\$300,000	\$300,000
Fed/ State	9%							\$0	\$450,000	\$450,000
Bond/ Lease	86%	\$2,200,000	\$2,300,000					\$4,500,000	\$0	\$4,500,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$2,200,000	\$2,300,000	\$0	\$0	\$0	\$0	\$4,500,000	\$750,000	\$5,250,000

TSM-16-PW/NH-77: MARKET STREET GATEWAY IMPROVEMENTS

Department	Public Works
Project Location	Market Street
Project Type	Upgrade Existing Facilities
Commence FY	On-Going
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Moderate (\$50,001 to \$100,000)

Evaluation Criteria	Satisfy
Identified in Planning Document or Study	Y
Improves Quality of Existing Services	Y
Provides Added Capacity to Serve Growth	Y
Addresses Public Health or Safety Need	
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	
Provides Incentive to Economic Development	Y
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	



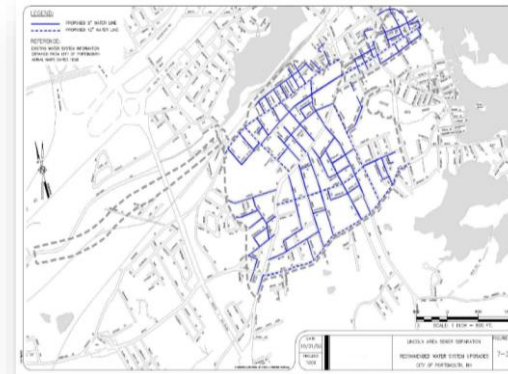
Description: This project is a continuation of phased improvements along Market Street as it extends from I-95 to Deer Street. The next phase is anticipated to be constructed once the Sarah Long Bridge is completed.

Useful Website Links:
<ul style="list-style-type: none"> Public Works Homepage FY18-23 CIP page

		FY19	FY20	FY21	FY22	FY23	FY24	Totals 19-24	6 PY's Funding	Totals
GF	11%							\$0	\$357,000	\$357,000
Fed/ State	0%							\$0	\$5,000	\$5,000
Bond/ Lease	89%	\$1,700,000						\$1,700,000	\$1,100,000	\$2,800,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$1,700,000	\$0	\$0	\$0	\$0	\$0	\$1,700,000	\$1,462,000	\$3,162,000

EF-02-WD-82: ANNUAL WATER LINE REPLACEMENT

Department	Public Works
Project Location	Citywide
Project Type	Upgrade to Existing Facilities
Commence FY	On-Going
Priority	O (On-going)
Impact on Operating Budget	Negligible (<\$5,001)



Evaluation Criteria	Satisfy
Identified in Planning Document or Study – Water System Master Plan	Y
Improves Quality of Existing Services	
Provides Added Capacity to Existing Services	
Addresses Public Health or Safety Need	
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	Y
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	

Description: The water distribution system consists of more than 150 miles of pipe. Many of the older pipes are 50 to 100 years old, undersized and at the end of their design life. Pipes are replaced programmatically as part of water specific capital projects, roadway reconstruction and prior to annual paving. This item will fund the purchase of pipe, valves and associated materials used to replace those pipes. Bond funds for large full road reconstruction projects.

Useful Website Links:

- [Public Works Homepage](#)
- [Water Department](#)
- [FY18-23 CIP page](#)

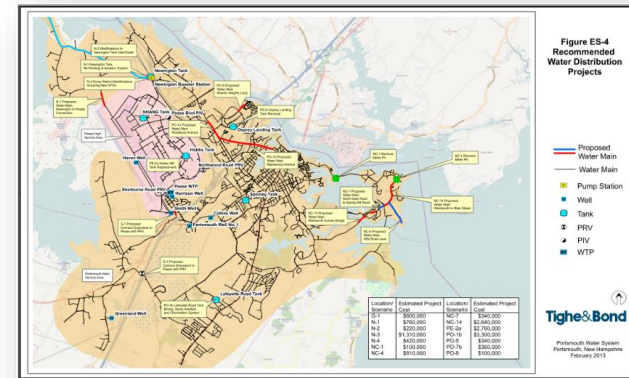
		FY19	FY20	FY21	FY22	FY23	FY24	Totals 18-23	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	32%	\$500,000		\$500,000		\$500,000		\$1,500,000	\$4,150,000	\$5,650,000
Other	0%							\$0	\$0	\$0
Revenues	68%	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$1,500,000	\$10,340,000	\$11,840,000
PPP	0%							\$0	\$0	\$0
	Totals	\$750,000	\$250,000	\$750,000	\$250,000	\$750,000	\$250,000	\$3,000,000	\$14,490,000	\$17,490,000

EF-13-WD-84: WATER SYSTEM PRESSURE AND STORAGE IMPROVEMENTS

Department	Public Works
Project Location	City-Wide
Project Type	Upgrade of Existing Facilities
Commence FY	Ongoing
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)

Evaluation Criteria	Satisfy
Identified in Planning Document or Study – 2013 Water System Master Plan	Y
Improves Quality of Existing Services	Y
Provides Added Capacity to Existing Services	
Addresses Public Health or Safety Need	
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	

		FY19	FY20	FY21	FY22	FY23	FY24	Totals 19-24	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	93%	\$2,200,000						\$2,200,000	\$1,750,000	\$3,950,000
Other	0%							\$0	\$0	\$0
Revenues	7%							\$0	\$300,000	\$300,000
PPP	0%							\$0	\$0	\$0
	Totals	\$2,200,000	\$0	\$0	\$0	\$0	\$0	\$2,200,000	\$2,050,000	\$4,250,000



Description: This project consists of improvement to water mains, pumps and storage to improve water flow and pressure in the water system. Work will be performed in portions of the water system as well as sections of the system which have been identified as needing upgrades as part of the water system hydraulic model and master plan update completed in 2013 and routine updates to the water system model.

Useful Website Links:

- [Public Works Homepage](#)
- [Water Department](#)
- [FY18-23 CIP page](#)

EF-18-SD-91: CONSENT DECREE MITIGATION

Department	Public Works
Project Location	Various
Project Type	Other (Explained Below)
Commence FY	2018
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)



Description: The City of Portsmouth entered into a Consent Decree with the Environmental Protection Agency in 2009. The City moved forward with the requirements of the Consent Decree and had to modify the final schedule for the required expansion of the Peirce Island Wastewater Treatment Facility. As a result of this modification, the City committed to certain projects. The capital type projects include implementing a \$500,000 green infrastructure stormwater project and construction of a low pressure sewer system on Sagamore Avenue north and south of Sagamore Creek and will be funded with this item.

Evaluation Criteria	Satisfy
Identified in Planning Document or Study	
Improves Quality of Existing Services	
Provides Added Capacity to Existing Services	Y
Addresses Public Health or Safety Need	Y
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	Y
Eligible for Matching Funds with Limited Availability	

Useful Website Links:

- [Public Works Department](#)
- [FY18-23 CIP page](#)

		FY19	FY20	FY21	FY22	FY23	FY24	Totals 19-24	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	97%	\$400,000	\$2,500,000					\$2,900,000	\$40,000	\$2,940,000
Other	0%							\$0	\$0	\$0
Revenues	3%							\$0	\$100,000	\$100,000
PPP	0%							\$0	\$0	\$0
	Totals	\$400,000	\$2,500,000	\$0	\$0	\$0	\$0	\$2,900,000	\$140,000	\$3,040,000

EF-17-SD-95: UNION STREET RECONSTRUCTION

Department	Public Works
Project Location	Union Street from State Street to Middle Street
Project Type	Construction or Expansion of a public facility
Commence FY	2017
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Reduce (will reduce Operating Costs)



Evaluation Criteria	Satisfy
Identified in Planning Document or Study : 2005 Long Term Control Plan	Y
Improves Quality of Existing Services	Y
Provides Added Capacity to Existing Services	
Addresses Public Health or Safety Need	Y
Reduces Long-Term Operating Costs	Y
Alleviates Substandard Conditions or Deficiencies	Y
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	

Description: This project is part of the City's ongoing Combined Sewer Overflow Long Term Control Plan in accordance with the EPA Supplemental Compliance Plan. The project includes water, sewer, drainage and streetscape modifications on Union Street from Middle Street to State Street. The project will also address side streets, including Coffins Court and sections of Austin Street.

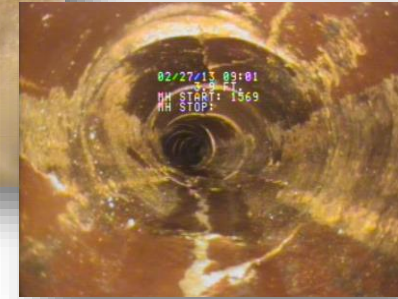
Useful Website Links:

- [Public Works Department](#)
- [FY18-23 CIP page](#)

		FY19	FY20	FY21	FY22	FY23	FY24	Totals 19-24	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	72%	\$700,000						\$700,000	\$0	\$700,000
Other	0%							\$0	\$0	\$0
Revenues	28%							\$0	\$275,000	\$275,000
PPP	0%							\$0	\$0	\$0
	Totals	\$700,000	\$0	\$0	\$0	\$0	\$0	\$700,000	\$275,000	\$975,000

EF-12-SD-94: ANNUAL SEWER LINE REPLACEMENT

Department	Public Works
Project Location	Citywide
Project Type	Upgrade of Existing Facilities
Commence FY	On Going
Priority	O (Ongoing or Programmatic)
Impact on Operating Budget	Negligible (<\$5,001)



Evaluation Criteria	Satisfy
Identified in Planning Document or Study	
Improves Quality of Existing Services	Y
Provides Added Capacity to Existing Services	Y
Addresses Public Health or Safety Need	
Reduces Long-Term Operating Costs	Y
Alleviates Substandard Conditions or Deficiencies	
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	

Description: The wastewater collection system consists of more than one-hundred fifteen (115) miles of pipe. Many of the older pipes are fifty (50) to one-hundred (100) years old, undersized and at the end of their design life. Pipes are replaced programmatically as part of sewer specific capital projects, roadway reconstruction and prior to annual paving. This item will fund the purchase of pipes and associated materials used to replace those pipes.

Useful Website Links:

- [Public Works Department](#)
- [FY18-23 CIP page](#)

		FY19	FY20	FY21	FY22	FY23	FY24	Totals 18-23	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	54%	\$500,000		\$500,000		\$500,000		\$1,500,000	\$5,500,000	\$7,000,000
Other	0%							\$0	\$0	\$0
Revenues	46%	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$1,500,000	\$4,500,000	\$6,000,000
PPP	0%							\$0	\$0	\$0
	Totals	\$750,000	\$250,000	\$750,000	\$250,000	\$750,000	\$250,000	\$3,000,000	\$10,000,000	\$13,000,000

OFFICE OF THE CITY CLERK

MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Kelli L. Barnaby, City Clerk
DATE: July 2, 2018
SUBJECT: Polling Hours for State Primary Election

In accordance with RSA 659:4, the City Council shall determine the polling hours for the election. I would request that the polling hours for the State Primary Election on September 11, 2018 be set from 8:00 a.m. - 7:00 p.m.

If you have any questions, please do not hesitate to contact me.

LEASE

This lease dated _____, 2018 is by and between the **City of Portsmouth**, a municipal corporation organized and existing under the laws of the State of New Hampshire and having a usual place of business at 1 Junkins Avenue, Portsmouth, New Hampshire, hereinafter LESSOR, and **AIDS Response of the Seacoast** of 7 Junkins Avenue, Portsmouth, New Hampshire, hereinafter LESSEE, an agency which serves low and moderate income residents of Rockingham County.

1. PREMISES

LESSOR leases to LESSEE a certain area on the fourth floor as shown on the attached plan in a building known as the City Hall Annex/Seybolt Building situated at 7 Junkins Avenue, Portsmouth, County of Rockingham and State of New Hampshire. The premises contains 1,834 square feet of area as comprised of nine hundred ninety-two feet (992') office space, six hundred seven feet (607') common corridors and two hundred thirty--five feet (235') bathroom and pantry/closets. (Depicted on Attached Exhibit A.)

During the term of this lease, upon ninety (90) days notice, the LESSOR may require the relocation of LESSEE to comparable space for the remaining term of this lease. Rent shall remain the same for the new space as hereunder.

2. RENT

The monthly rent, payable in advance for the first twelve months of this agreement commencing on October 1, 2018 shall be **\$11.91** per square foot based upon total square feet of 1,834. Total rent shall be **\$21,835.20** for year one payable in twelve equal monthly installments of **\$1,819.60** due on or before the 10th day of the month. Rent shall be calculated in year two, and each subsequent year of this lease, based upon the following formula:

$$\begin{array}{l} \text{Agency Square Feet} \quad \times \quad \text{Lessor's Annual} \quad = \text{Annual Rent} \\ \text{Operating Cost} \\ \text{Per Square Foot} \\ \text{Of the Seybolt Building} \end{array}$$

Adjustments to the annual rent shall be calculated by September 1 of each year effective with the October payment.

3. TERM

The term of this lease is five years commencing October 1, 2018 and terminating on September 30, 2023. This lease may be terminated by the LESSEE upon thirty days (30) written notice to the LESSOR.

4. PARKING

All employees of the LESSEE shall park in the lower lot designated for use by all Municipal Complex employees. No other parking area shall be used by the LESSEE'S employees unless a permit has been issued them by the City Manager. The LESSOR shall be responsible for snow plowing the parking areas and for the removal of snow from the walkways.

5. JANITORIAL SERVICES

LESSEE shall not allow any waste, rubbish or other objectionable materials to accumulate within the premises or upon the surrounding grounds. LESSEE shall arrange and pay for proper rubbish receptacles. LESSOR shall provide for janitorial services to include emptying office waste receptacles, and maintaining corridors and common spaces. The LESSEE shall be responsible for proper cleaning and maintenance of any toilet facilities within its leased area. LESSOR shall maintain only those areas designated as "public" toilet facilities.

6. UTILITIES AND MAINTENANCE

LESSOR shall provide for all water, gas, heat, lights and power furnished to the premises throughout the term of this lease. LESSOR shall be responsible for all maintenance and repairs to the exterior structure, common areas and surrounding grounds and parking areas. All other costs and expenses of every kind whatsoever of or in connection with the use, operation and maintenance of the interior of the premises and all activities conducted thereof shall be the sole responsibility of the LESSEE that are the result of the LESSEE's operations. Any devices which use excessive power such as air conditioning units may only be installed with permission of the LESSOR. LESSOR shall be responsible for the replacement of all window glass broken, unless such breakage is the direct result of acts of LESSEE, its employees, agents or invitees. In the latter circumstance, LESSEE shall be responsible for such replacement. The LESSOR shall be responsible for those items of maintenance in connection with the general overall condition of the building and its internal facilities systems.

7. REPAIRS AND MAINTENANCE

LESSEE shall, throughout the term of this Lease, at its own cost, and without any expense to LESSOR, keep and maintain its own equipment in good, sanitary and neat order, condition and repair. LESSOR shall not be obligated to make any repairs, replacements or renewals to the interior of the leased premises exclusively occupied by LESSEE caused by the LESSEE's use thereof. LESSEE shall also comply with and abide by all federal, state and municipal laws, ordinances and regulations affecting the demised premises, the improvements thereon or any activity or condition on or in such premises. No alteration of the premises which is visible from the exterior thereof and no alteration of the interior which exceeds Two Hundred (\$200) Dollars in cost shall be made without the prior written approval of the LESSOR'S City Manager.

8. SIGNAGE

LESSOR will provide a common sign in front of the Annex identifying LESSEE at this location. A directory shall be located just inside the front entrance. City Hall/Municipal signage along Junkins shall indicate the location of the Seybolt building. No other exterior signs shall be allowed and interior signing shall be done only with permission of the LESSOR.

9. STORAGE

There will be no storage in the so-called 1895 building without the express authorization of the LESSOR's City Manager. Any items stored without authorization of the City Manager shall become the property of the LESSOR and may be removed and disposed by the LESSOR without notice to the LESSEE.

10. DAMAGE AND DESTRUCTION

In case the building on the premises is destroyed and damaged so as to make it untenable, either party may terminate this Lease by written notice within sixty (60) days after the occurrence of such damage or destruction.

11. LESSOR'S RIGHT OF ENTRY

LESSEE shall permit LESSOR and the agents and employees of LESSOR to enter into and upon the premises at all reasonable times to inspect the same, or to make repairs or improvements called for in this Agreement.

12. SUBLETTING AND ASSIGNMENT

LESSEE shall not assign this Lease or sublet portions of the premises without written consent of the LESSOR..

13. ACCEPTANCE OF PREMISES

LESSEE by acceptance of the premises, acknowledge that they are fit for the uses of the LESSEE.

14. LIENS

LESSOR shall keep all of the premises free and clear of all liens arising out of LESSEE'S occupancy of the premises and at all times promptly and fully pay or discharge any claims on which any lien could be based.

15. INDEMNIFICATION OF LESSOR

Notwithstanding any other Agreements, **AIDS Response of the Seacoast** agrees to defend, hold harmless and indemnify the City of Portsmouth against any legal liability in respect to bodily injury, death, and property damage arising from the negligence of **AIDS Response of the Seacoast** during its use of the property belonging to the City of Portsmouth.

16. DEFAULT

In the event of any breach of this Lease by the parties or failure to perform any condition herein, the parties may in addition to all rights and remedies each has at law, LESSOR shall give:

a) Written notice to the LESSEE of a claimed breach. If such breach is not cured within 30 days, the LESSOR shall have the right of reentry and may remove all persons and property from the premises to be stored at the expense of the LESSEE. LESSOR, after reentry, may terminate this Lease and in addition to its other rights, may recover from LESSEE, its reasonable costs and damages occasioned by LESSEE'S breach.

b) LESSOR shall give written notice to LESSEE of the LESSEE'S failure to perform any condition of this Lease. If such failure is not cured within 30 days, the LESSOR may, but shall not be required to, obtain substitute performance of the condition. LESSEE shall repay to LESSOR ON DEMAND, the entire expense thereof including compensation to the agents and employees of LESSOR. Any act or thing done by LESSOR pursuant to the provisions of this Section shall not be or be construed as a waiver of any such default by LESSEE, or as waiver of any covenant, term or condition herein contained or the performance thereof, or of any other right or remedy of LESSOR, hereunder or otherwise. All amounts payable by LESSEE to LESSOR under any of the provisions of this Lease, if not paid when the same becomes due as in this Lease provided, shall bear interest from the date they become due until paid at the rate of eleven (11%) percent per annum, compounded annually.

c) LESSEE may terminate this Lease after 30 days written notice to LESSOR specifying any breach or failure of the LESSOR to perform under the provisions of this Agreement.

d) Each party reserves the right to contest the claim of breach or failure to perform under this Agreement and to collect reasonable costs and damages occasioned thereby.

17. SURRENDER OF PREMISES

All alterations, additions and improvements made in or to the premises in the nature of fixtures shall unless otherwise provided by written Agreement or by the terms hereof, be the property of LESSOR and remain and surrendered with the premises and LESSEE hereby waives all claim for damages to a loss of any property belonging to LESSEE that may be in or upon the premises.

18. NOTICE

Any notice required under this Lease or other writing which may be given by either party hereto to the other shall be deemed to have been given when made in writing and provided in hand or deposited in the U.S. MAIL, registered and prepaid and addressed as follows:

TO LESSOR:
City Manager
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

TO LESSEE:
Executive Director
AIDS Response of the Seacoast
7 Junkins Avenue
Portsmouth, NH 03801

19. USE OF PREMISES

The premises shall be used solely for the purposes stated herein and no other purposes without prior written approval by the LESSOR. LESSEE accepts the premises with the understanding that they shall be restricted to the use of those operations and services provided by the LESSEE under this its Charter.

20. REGULATIONS

LESSEE agrees that it shall abide by and enforce among its staff any reasonable rules and regulations established by the LESSOR which may be modified from time-to-time.

21. EXTENSION OR RENEWAL

There is no automatic extension or renewal of this lease and no further notice is required on the part of the LESSOR.

22. INSURANCE

LESSEE shall, at all times during the term of this Lease, maintain in effect bodily injury insurance covering the premises and the operations of the LESSEE in the amount of One Million (\$1,000,000) Dollars per occurrence and property damage insurance in the amount of at least Five Hundred Thousand (\$500,000) Dollars per occurrence. Such insurance shall be drawn so as to protect LESSOR and LESSEE. All insurance shall be written in a form satisfactory to LESSOR. LESSEE shall deliver to the LESSOR certificates of all insurance which shall provide that LESSOR shall be notified of the cancellation thereof or of nonpayment of premiums. In the event the insurance is altered, terminated or in case of nonpayment of premium, LESSOR shall, at its option, pay such premiums. The cost of such insurance shall be paid by the LESSEE within ten (10) days of notice by LESSOR that such effect such insurance payment is due.

23. ADA COMPLIANCE

The LESSOR agrees to lease a building and/or property which is handicapped accessible as that term is recognized in the Americans with Disabilities Act of 1992. The LESSOR agrees, where necessary to comply with this act, to make such modifications to the building and/or property as to make the building and/or property accessible. LESSEE agrees to give LESSOR reasonable access to the building and/or property to accomplish these goals. LESSOR agrees to provide LESSEE with notice prior to engaging in construction activity.

IN WITNESS WHEREOF, the parties have executed this Lease

CITY OF PORTSMOUTH

WITNESS

John P. Bohenko
City Manager

Approved by vote of the City Council

AIDS RESPONSE OF THE SEACOAST

WITNESS

Richard B. Wagner
Executive Director

AIDS Response Seacoast Rentable Area

Offices: 992sf

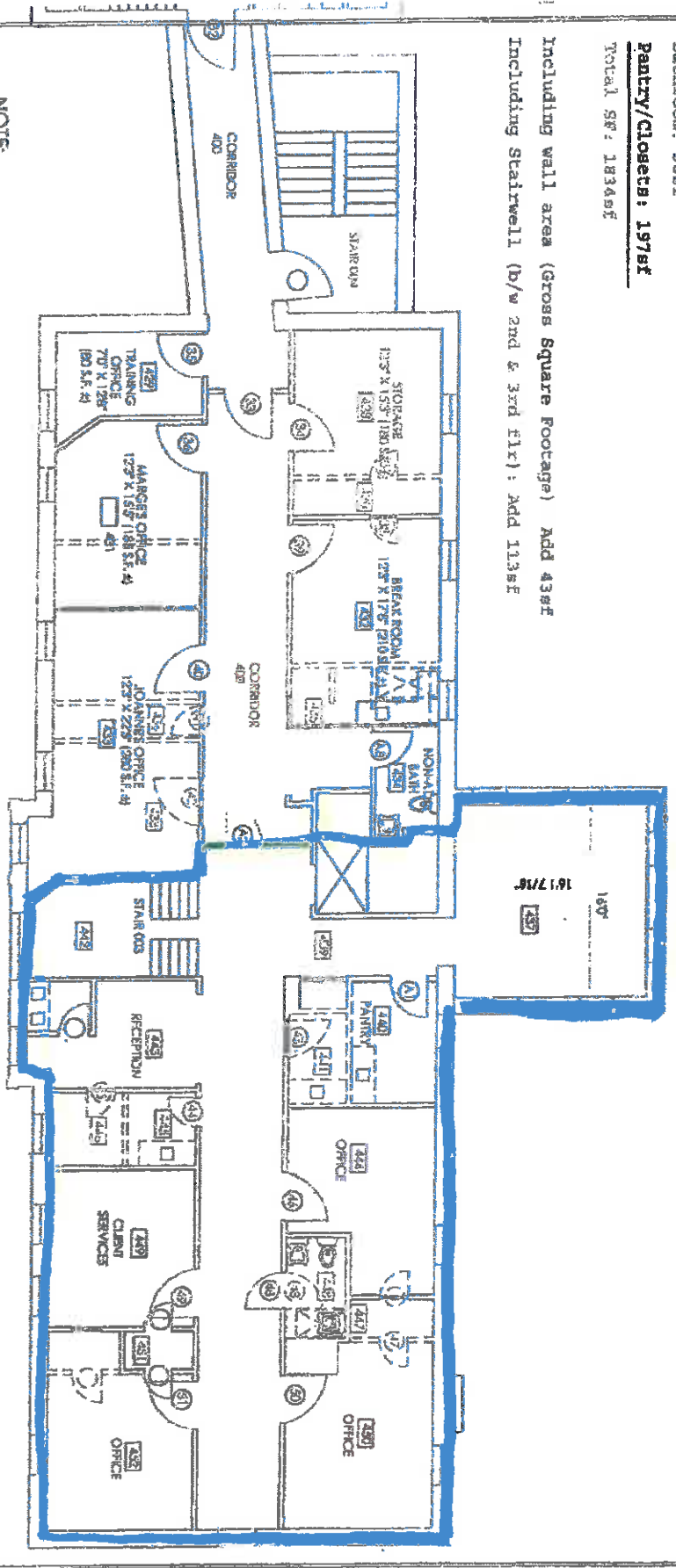
Hallways: 607sf

Bathroom: 38sf

Pantry/Closets: 197sf

Total SF: 1834sf

Including wall area (Gross Square Footage) Add 43sf
 Including Stairwell (b/w 2nd & 3rd Flr): Add 133sf



- NOTE:**
1. All room dimensions are approximate. Final dimensions will be confirmed when final room layouts have been approved.
 2. Code compliance items will be reviewed and approved prior to finalizing plans.
 3. These drawings are only to be used at this time for conceptual layouts.

BRIDGING 2020B PLANS
 City of Portsmouth
 PORTSMOUTH, NEW HAMPSHIRE
 0385, March 23, 2012
 3000 State Street, 17th
 FLOOR, PORTSMOUTH, NH 03801
 BRIDGING CONSULTING, LLC, INC.
 3000 State Street, 17th
 FLOOR, PORTSMOUTH, NH 03801
 PROJECT NUMBER: 2020B
 SHEET 4-107

PARKING LOT LEASE/MAINTENANCE AGREEMENT

The Portsmouth Housing Authority ("Owner" or "PHA"), a body corporate and politic with an office address of 245 Middle Street, Portsmouth, Rockingham County, New Hampshire, is the owner of a parking lot located at 140 Court Street, City of Portsmouth, New Hampshire, at Map 116, Lot 038, ("Parking Lot") and the City of Portsmouth ("City" or "Lessee"), a municipal corporation with an address of 1 Junkins Avenue, City of Portsmouth, County of Rockingham, New Hampshire (hereinafter "City") enter into this Agreement with respect to leasing certain parking spaces located in the Parking Lot located at 140 Court Street. PHA and the City are entering into this Parking Lot Lease/Maintenance Agreement ("Agreement") for the purposes and under the terms and conditions contained herein.

1. The effective date of this Agreement shall be April 1, 2018 and continue in effect until March 31, 2019 unless otherwise agreed to as referenced in Section 10 of this Agreement.
2. During the period in which this Agreement is in effect, the City shall lease from PHA, a designated number of parking spaces in the Parking Lot which shall be available at the direction of the City for the purpose of allowing members of the public to park. At the outset of this Agreement, the number of spaces leased will total twenty-one (21). The specific location of the parking spaces in the Parking Lot will be determined by mutual agreement of the parties.
3. In addition to these parking spaces, six (6) parking spaces shall be available at the direction of the City for the purpose of allowing Fire Department personnel to park. Two of these spaces are currently reserved for Fire Department personnel and are located adjacent to the Vigilance Fire Statue on Court Street. Four of these spaces are located behind the Fire Department and are currently reserved for Fire Department personnel.
4. The City shall post and maintain signage in a manner to be approved by the PHA and the City to designate the parking spaces for public parking and the six (6) parking spaces for Fire Department personnel.
5. The City shall have the authority to provide regular and consistent enforcement of its rules and regulations governing the use of these parking spaces during the times stated to ensure that the parking spaces are only being used by the public and Fire Department personnel.
6. The City shall plow snow, apply salt and sand, and remove snow as necessary from the Parking Lot in accordance with its normal practices for City parking lots.

7. Except as described in this Agreement, the use of the Parking Lot except for the aforementioned parking spaces shall be under the control of PHA.
8. The City shall defend and indemnify PHA for claims caused solely by the City's negligence, and which are within the scope of the City's liability insurance to the extent and under the terms and conditions under which the City itself is entitled to contractual indemnification coverage from the New Hampshire Public Risk Management Exchange, under the terms of its liability coverage document as it may be in effect from time to time.
9. The Parties agree that the compensation paid by the City to PHA will be paid at the expiration of the term of this Agreement, or at the written request of the Board of Directors of the PHA, whichever is first to occur. Compensation to the PHA will be the net parking revenues from the metered parking spaces, which is the difference between gross parking revenues less expenses incurred by the City, which include but are not limited to costs associated with labor, materials, administration, maintenance and enforcement. The City agrees to provide PHA with an accounting of lease revenues at least quarterly beginning three months from the date of execution of this Agreement.
10. This Agreement may be terminated with cause by either Party in the event that either Party fails to maintain its obligations under this Agreement, after being given written notice of such failure and a thirty (30) day period to cure it. This Agreement may be terminated without cause by either Party with Forty-Five (45) days written notice to the other Party.
11. This Agreement may be renewed annually by agreement of the parties and the parties agree that the number of leased spaces may be adjusted upon renewal.

For the City of Portsmouth

For Portsmouth Housing Authority

John P. Bohenko, City Manager

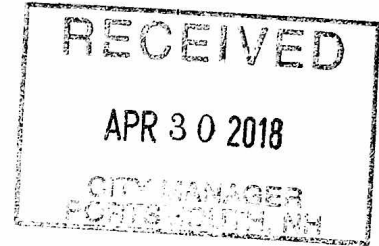
By:

Dated: _____

Dated: _____

Pursuant to vote of the City Council
On _____.

**SPINNAKER POINT CONDOMINIUM
70 SPINNAKER WAY
PORTSMOUTH, NH 03801
(603) 431-9208 Office
(603) 431-9308 Fax
mgmt@spinnakerpointnh.net**



April 24, 2018

Mr. John P. Bohenko
City Manager
1 Junkins Avenue
Portsmouth, NH 03801

Re: Osprey Landing Water Tank Removal

Dear Mr. Bohenko:

The Board of Directors is delighted to hear that the final phase of the water tank removal project is slated to begin in early May. Please share our appreciation with the city's staff; Deputy Director, Brian Goetz; Assistant City Engineer, Ray Pezullo; and Steve Rickerich of Ransom Engineering who have respected the Association's interests and worked closely with our Management Agent throughout each phase of the project.

Moving forward we are most interested in the City's plans for this parcel of land, the removal of the existing Water Easement, returning the landscape back to the same condition as prior to the construction, and the potential for the City to consider returning this parcel of land to the Association.

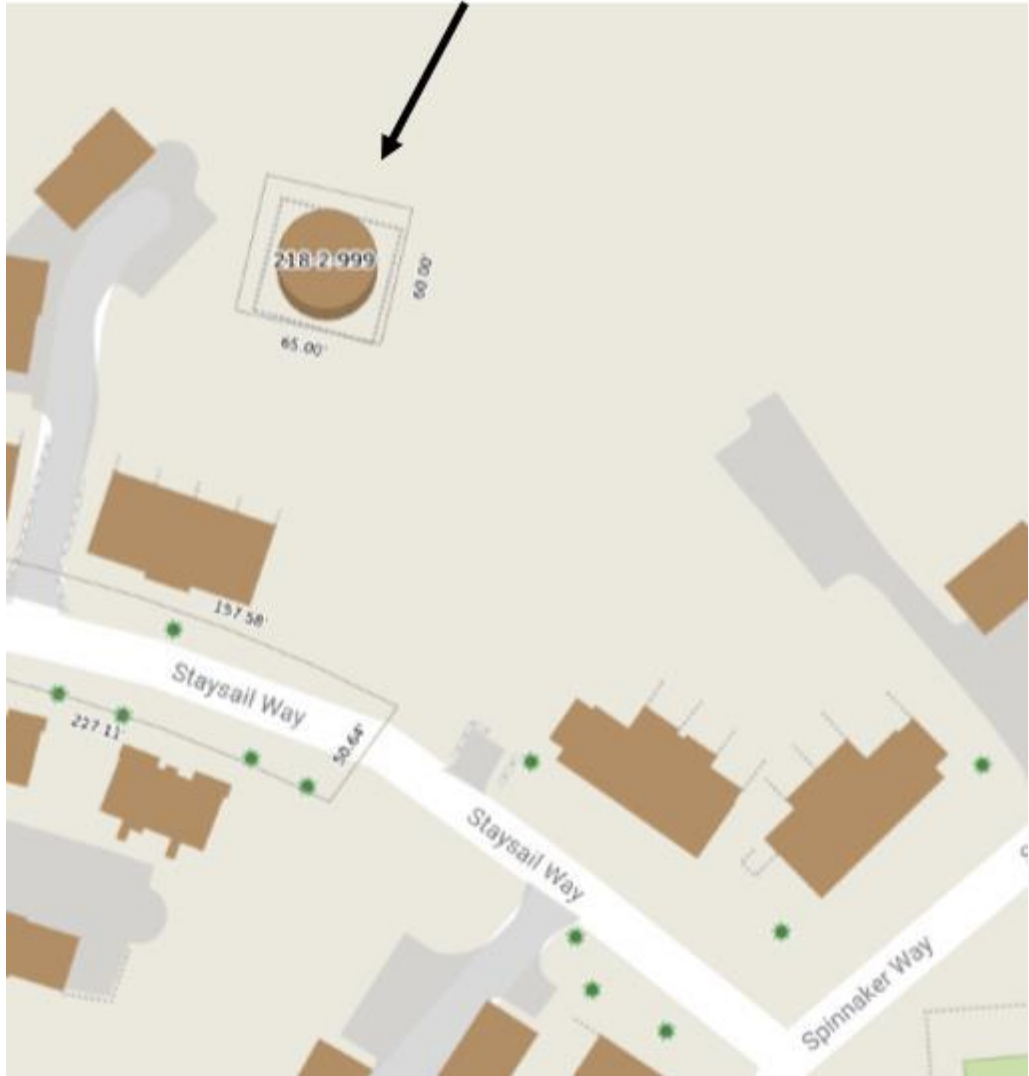
We look forward to hearing back from you at your earliest convenience.

Best Regards,

BOARD OF DIRECTORS
SPINNAKER POINT CONDOMINIUMS

Thomas Szopa
Thomas Szopa,
President

Osprey Landing Tank Property



4/21/87

WATER EASEMENT

BK2675 P2511

KNOW ALL MEN BY THESE PRESENTS that Portsmouth Coastal Development Partners, a New Hampshire partnership having a mailing address of 40 Randall Avenue, Freeport, New York 11520

WITH QUITCLAIM COVENANTS convey to the City of Portsmouth, New Hampshire, a municipal corporation having a place of business at 126 Daniel Street, Portsmouth, County of Rockingham, State of New Hampshire

A perpetual easement for purposes of maintaining water lines as follows: *Lower property located in the City of Portsmouth*

The City shall have a perpetual easement ten feet on either side of all water lines shown on plans entitled "RECORD DRAWING, PORTSMOUTH WATER WORKS, Seacrest Water System, Scale: 1" = 1' drawn by T.V. Cravins revised 3/6/84" except that this water line easement shall be less than ten feet on either side of the existing mains where a ten foot width would bring the easement within two feet of an existing building.

The purpose of this easement is to allow the City of Portsmouth to continue to maintain all water lines as they are shown on the above plans.

Grantor agrees that the Grantee is not responsible for any damages caused during the Grantee's normal maintenance, repair and replacement of the easement facility to any new structures the Grantor has constructed within the above described easement.

Meaning and intending to convey an easement for water purposes in and across portions of a parcel of land conveyed to Grantors by deed of Timothy G. Pearson, Trustee of the Ribblesdale Trust by deed dated July 25, 1985 and recorded in the Rockingham County Registry of Deeds at Book 2509, Page 1403.

This easement is granted upon the express condition that Grantee agrees to repair any and all damage and disturbance caused by the use of the right-of-way area or the replacing of the water line therein, such repair to restore any disturbed area to its condition prior to such disturbance, all at the Grantee's sole expense. Grantee further to keep and maintain the right-of-way area in good condition, repair and working order at all times at their expense. Grantee agrees that it will at all times keep the right of way area and water line in conformity with any and all federal, state, local and other governmental or applicable law or regulation at the Grantee's sole cost and expense.

The Grantor reserves the right from time to time at Grantor's expense to relocate said right-of-way area and the water line, at Grantor's sole cost and expense, to any other portion of the Grantor's land, so long as such relocation does not unreasonably interfere with Grantee's use thereof. Grantor agrees that before making any such relocation, it shall seek Grantee's consent to the relocation, which consent shall not be unreasonably withheld.

26421

APR 30 10 35 AM '87

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

BK2675 P2512

The terms and conditions hereof shall be binding upon and inure to the benefit of the Grantor and Grantee and their respective heirs, executors, legal representatives, successors in title, and assigns.

Signed on this 27th day of April, 1987.

PORTSMOUTH COASTAL DEVELOPMENT PARTNERS

By: [Signature]
Richard Schlesinger

By: [Signature]
William Weinstein

[Signature]
Witness

[Signature]
Witness

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

On this 24th day of April, 1987, personally appeared the above named Richard Schlesinger d/b/a Portsmouth Coastal Development Partners, known to me or satisfactorily proven to be the person described in the foregoing instrument, and acknowledged that he executed the same in the capacity therein stated and for the purposes therein contained.

[Signature]
Justice of the Peace/Notary Public

STATE OF New York
COUNTY OF Nassau

On this 27th day of April, 1987, personally appeared the above named William Weinstein d/b/a Portsmouth Coastal Development Partners, known to me or satisfactorily proven to be the person described in the foregoing instrument, and acknowledged that he executed the same in the capacity therein stated and for the purposes therein contained.

[Signature]
Justice of the Peace/Notary Public

ELIZABETH ROMEO
Notary Public, State of New York
No. 4822511
Qualified in Nassau County
Term Expires January 12, 1988

1462-122

W. J. John Whaley

~~1462-122~~ KNOW ALL MEN BY THESE PRESENTS, that we, Randal Holden of Larchmont, in the County of Westchester and the State of New York, and Ralph M. Schwartzberg and Isadore Fishman of Chicago, in the County of Cook and the State of Illinois, for and in consideration of the sum of One (\$1.00) Dollar and other valuable consideration to us in hand paid by the City of Portsmouth, a Municipal Corporation in the County of Rockingham and State of New Hampshire, the receipt whereof we do hereby acknowledge, have given, granted, bargained, sold, and by these presents do give, grant, bargain, sell, alien, enfeoff, convey and confirm unto the said City of Portsmouth, and its successors and assigns forever,

A certain parcel of land with the water tank so-called, thereon, and more particularly described as follows:

A certain tract or parcel of land hexagonal in shape, 30 feet on each side as now fenced, surrounding the existing water tank, and bounded on all sides by other land of the grantors. Containing 2,340 square feet.

Together with all the water pipes, conduits, hydrants, and every appurtenance to said water line pertaining as shown upon a plan entitled, "Water Plan, Wentworth Acres, Plot Plan, September, 1957, John W. Durgin, C. E.", and delineated on said plan in purple ink; with the right of the grantees to go upon the land of the grantors for the purpose of maintaining, repairing, or replacing said water line wherever situate in said Wentworth Acres, said plan to be recorded in Rockingham County Registry of Deeds, and the right of ingress and egress to said water tank over land of the grantors.

TO HAVE AND TO HOLD the granted premises, with all the privileges and appurtenances thereto belonging, to the City of Portsmouth, the said grantee, and its successors and assigns, to it and its only proper use and benefit forever.

And we, the said grantors, for ourselves and our heirs, administrators and assigns, do hereby covenant, grant, and agree to and with the said grantee, and its successors and assigns, that until the delivery hereof, we are the lawful owners of the said premises and we are seized and possessed thereof in our own right in fee simple; and have the full power and lawful authority to grant and convey the same in the manner aforesaid; that the said premises are free and clear from all and every incumbrance whatsoever, excepting: a mortgage to the United States of America, acting by and through the Public Housing Administration, and a mortgage to Gabriel Elias, under which mortgages, by agreement, the mortgagees have agreed to release the within described property to the City of Portsmouth, and the grantors herein agree to apply to said United States of America and to the said Gabriel Elias for the release of the within described property from the said mortgages; and that we and our heirs, administrators, and assigns, shall and will WARRANT and DEFEND the same unto the said grantee and its successors and assigns against the lawful claims and demands of any person or persons whomsoever.

And we, Dorothy Holden, wife of Randal Holden, and Celia Schwartzberg, wife of Ralph M. Schwartzberg, and Sophie Fishman,

1462-123

Book 1462 Page 0123

1462-123

wife of Isadore Fishman, do hereby release to the City of Portsmouth our rights of dower in the above-mentioned premises.

And we do each of us hereby release all rights of HOME-STEAD secured to us, or either of us under and by virtues of any law of the State of New Hampshire and all other rights and interests therein.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 22nd day of January in the Year of Our Lord, 1958.

Signed, sealed, and delivered in the presence of:

<u>Erin C. Meyer</u>	<u>Randal Holden</u>
<u>Erin C. Meyer</u>	<u>Dorothy Holden</u>
<u>Josephine B. Kis</u>	<u>Ralph Schwartzberg</u>
<u>Josephine B. Kis</u>	<u>Celia Schwartzberg</u>
<u>Josephine B. Kis</u>	<u>Isadore Fishman</u>
<u>Josephine B. Kis</u>	<u>Sophie Fishman</u>

STATE OF ILLINOIS
Westchester, ss.

JAN 26 1958

Personally appeared the above-named Randal Holden and Dorothy Holden and acknowledged the foregoing instrument to be their free act and deed.

Before me,

Harold T. Robbins
 Notary Public in the State of New York
 Appointed for Westchester County
 Commission Expires 31-12-1960

NOTARY PUBLIC Westchester County, N.Y.

January

STATE OF ILLINOIS
Cook, ss.

Personally appeared the above-named Ralph M. Schwartzberg and Celia Schwartzberg and Isadore Fishman and Sophie Fishman and acknowledged the foregoing instrument to be their free act and deed.

Before me,



Evelyn Meyer
 NOTARY PUBLIC
 My Commission expires: Jan 8, 1961

Rec. & recorded Mar. 31, 3:40 P.M. 1958

PK 3078 P1969

QUITCLAIM DEED

G-FOUR, L.L.C., a New Hampshire limited liability company, of Manchester, Hillsborough County, New Hampshire, for consideration paid, grants to the CITY OF PORTSMOUTH, a New Hampshire municipal corporation with an address of 1 Junkins Avenue, Portsmouth, Rockingham County, New Hampshire 03801, with quitclaim covenants, certain land located in Portsmouth, New Hampshire, described in Exhibit A attached hereto, being a rectangular tract of land under and surrounding a water tower owned by grantee; together with the right of access to the said water tower over other land of grantor described in Exhibit B attached hereto, and over private roads connecting the latter-described land to Circuit Road and Market Street, as shown on the Subdivision Plan referred to in Exhibits A and B.

This deed is being given in order to reconfigure the water tower parcel in accordance with the Subdivision Plan, and to redefine the access easement area in accordance with the said plan. The water tower, a hexagonal parcel surrounding it, and a nonspecific access easement were originally conveyed to the grantee by a warranty deed from Randal Holden, Ralph M. Schwartzberg and Isadore Fishman dated January 23, 1958, and recorded in the Rockingham County Registry of Deeds at Book 1462, Page 122. The new rectangular parcel described and conveyed in this deed completely surrounds and contains the hexagonal parcel originally granted in the said warranty deed.

For grantor's title, see Quitclaim Deed from Stanley Miller, Trustee in Bankruptcy for Portsmouth Coastal Development Partners, to grantor of near or even date, recorded herewith.

This conveyance is exempt from real estate transfer tax under NHRSA 78-B:2, I, as a transfer of title to a city.

EXECUTED on ~~November~~ October 7, 1994.

G-FOUR, L.L.C.

By: *John C. Madden*
John C. Madden, Sole Manager
Duly Authorized

[Sign in black ink]

Nov 9 2 08 PM '94

1 0056262

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

PK 3078 P1970

STATE OF NEW HAMPSHIRE
COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me on this 7th day of ~~October~~ ^{March}, 1994, by John C. Madden, sole manager of G-Four, L.L.C., a New Hampshire limited liability company, on behalf of the company.


Notary Public/~~Justice of the Peace~~

My commission expires:

[Sign in black ink]

JOHN M. SULLIVAN
NOTARY PUBLIC, NEW HAMPSHIRE
MY COMMISSION EXPIRES JANUARY 22, 1993



PK 3078 P1972

**EXHIBIT B
TO QUITCLAIM DEED
FROM G-FOUR, L.L.C.
TO CITY OF PORTSMOUTH**

A certain tract of land located off Market Street, in Portsmouth, Rockingham County, New Hampshire, shown as "Proposed Access Easement to City of Portsmouth" on a certain plan entitled, "Subdivision Plan of Mariners Village & Spinnaker Point Condominium, Market Street, Portsmouth, New Hampshire," by Associated Engineering Services, dated October 23, 1993, and recorded herewith in the Rockingham County Registry of Deeds, being bounded and described as follows:

Beginning at a point on the northerly side of a private road shown on the said plan as Parcel R-1, and formerly known as Circuit Road, at the westernmost corner of the tract;

thence running N 13° 51' 14" E a distance of 122.86 feet to a point;

thence running N 32° 03' 09" E a distance of 96.78 feet to a point;

thence running S 77° 37' 00" E a distance of 127.35 feet to a point;

thence running S 12° 23' 00" W a distance of 114.00 feet to a point;

thence running N 77° 37' 00" W a distance of 100.58 feet to a point;

thence running N 13° 51' 14" E a distance of 17.87 feet to a point;

thence running N 77° 37' 00" W a distance of 34.92 feet to a point;

thence running S 13° 51' 14" W a distance of 118.50 feet to a point, all of the preceding courses running through Lot 2-0900;

thence running westerly along a curve to the left having a radius of 789.00 feet, a distance of 25.00 feet along Parcel R-1 to the point of beginning.

Excepting and reserving that certain tract of land lying within the above-described tract, shown on the said plan as "Proposed Fee Simple to City of Portsmouth," and being further bounded and described in Exhibit A above.

PK 3078 P1971

**EXHIBIT A
TO QUITCLAIM DEED
FROM G-FOUR, L.L.C.
TO CITY OF PORTSMOUTH**

A certain tract of land, with all improvements thereon, located off Market Street, in Portsmouth, Rockingham County, New Hampshire, shown as "Proposed Fee Simple to City of Portsmouth" on a certain plan entitled, "Subdivision Plan of Mariners Village & Spinnaker Point Condominium, Market Street, Portsmouth, New Hampshire," by Associated Engineering Services, dated October 23, 1993, and recorded herewith in the Rockingham County Registry of Deeds, more particularly bounded and described as follows:

Beginning at a point at the southeasternmost corner of the tract;

thence running N 77° 30' 07" W a distance of 65.00 feet to a point;

thence running N 12° 29' 53" E a distance of 60.00 feet to a point;

thence running S 77° 30' 07" E a distance of 65.00 feet to a point;

thence running S 12° 29' 53" W a distance of 60.00 feet to the point of beginning, all of the said courses being along Lot 2-0900.

Excepting and reserving the hexagonal parcel contained within the above-described rectangular parcel and previously conveyed to grantee by warranty deed from Randal Holden, Ralph M. Schwartzberg and Isadore Fishman dated January 23, 1958, and recorded in the Rockingham County Registry of Deeds at Book 1462, Page 122.

Run: 7/03/18
8:55AM

Event Listing by Date

Page: 1

Starting Date: 7/ 9/2018

Ending Date: 4/30/2019

Start End	Type Description	Location	Requestor	Vote Date
7/14/2018 7/14/2018	BIKE TOUR Chris Vlangas, Development Director is the contact. This event begins in Kittery, Maine and travels thru Portsmouth Event begins at 7:30 a.m. Contact Info: 800-757-0203	Shapleigh Middle School in Kittery, Maine	Cystic Fibrosis Foundation	2/ 5/2018
7/14/2018 7/14/2018	MUSIC Barbara Massar, Executive Director is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Pleasant Street - Summer in the Street Music Serie	Pro Portsmouth	8/21/2017
7/21/2018 7/21/2018	MUSIC Barbara Massar is the contact for this event. The event begins at 5:00 p.,m. to 9:30 p.m.	Market Square - Pleasant Street	Summer in the Street Music Ser	8/21/2017
7/28/2018 7/28/2018	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Market Square - Pleasant Street	Summer in the Streets Music Se	8/21/2017
8/11/2018 8/11/2018	BOAT Molly Bolster of the Gundalow is the contact for this event. director@gundalow.org	Peirce Island Boat Launch	Round Island Regatta	2/ 5/2018
8/11/2018 8/11/2018	FUND Ezekiel Tappin is the contact for this event. tel. (603) 315-9187	Market Square	Portsmouth Professional Fire F	4/16/2018
8/25/2018 8/25/2018	BIKE TOUR Emily Christian, Logistics Manager is the contact for this event.	Route 1A South	National Multiple Sclerosis So	11/20/2017
9/ 3/2018 9/ 3/2018	RACE Contact: Jennifer Gilbert, Office Manager/Race Coordinator	Pease	St. Charles Children's Home	5/21/2018
9/14/2018 9/16/2018	FILM EXPO Contact: Chris Curtis Congress to Porter Streets will be closed.	Music Hall	Telluride By The Sea Film Fest	5/ 7/2018
9/15/2018 9/15/2018	WALK Ken La Valley, Chair Registration begins at 8:30 a.m.	Little Harbour School - Begin and End	American Foundation for Suicid	2/ 5/2018
9/16/2018 9/16/2018	FILM EXPO This is the Telluride by the Sea Film Festival. Chris Curtis is the contact.	Chestnut Street from Congress to Porter	The Music Hall	5/ 7/2018

Event Listing by Date

Starting Date: 7/ 9/2018

Ending Date: 4/30/2019

Start End	Type Description	Location	Requestor	Vote Date
9/16/2018 9/16/2018	RACE Jennie Halstead, Executive Director is the contact. This race begins at 7:30 a.m. with registration Start of the race: 9:00 a.m.	Portsmouth Middle School	My Breast Cancer Support	12/18/2017
9/22/2018 9/23/2018	BIKE TOUR Donna Hepp is the contact for this event. This event travels through Portsmouth over a 2-day period.	Travelling thru Portsmouth	Granite State Wheelman Bicycle	4/ 2/2018
9/22/2018 9/23/2018	TOUR Caroline Piper is the contact for this event. Tel. (603) 686-4338 This is a two day event.	South End Neighborhood	Friends of the South End	2/ 5/2018
9/23/2018 9/23/2018	WALK Kate Corriveau is the contact for this event. Registration begins at 8:30 a.m. Walk Kicks Off at 10:00 a.m.	Little Harbour School - begin and end	Alzheimer's Association	2/ 5/2018
9/29/2018 9/30/2018	FESTIVAL Bruce MacIntyre is the contact for this event.	Market Square	Portsmouth Maritime Folk Festi	3/ 5/2018
10/ 7/2018 10/ 7/2018	RACE 6th Annual Memorial Bridge 5 K - Prescott Park Arts Festival and Seacoast Community School 10:00 a.m. to 11:30 a.m.	Memorial Bridge	Prescott Park Arts Festival	2/20/2018
10/31/2018 10/31/2018	PARADE Contact: Abigail Wiggin	Halloween Parade	Portsmouth Halloween Parade Co	6/ 4/2018
11/11/2018 11/11/2018	RACE Jay Diener, Co-Race Director Tel. (603) 758-1177 This race will start at 8:00 a.m. with walkers Runners will start at 8:30 a.m.	Begins and Ends at Portsmouth High School	Seacoast Half Marathon	4/ 2/2018
12/ 9/2018 12/ 9/2018	ROAD RACE Thomas Bringle, Director of Development is the contact. Registration Opens at 9:00 a.m. Race start time: 10:00 a.m.	Little Harbour School	Arthritis Foundation	6/18/2018
4/13/2019 4/13/2019	10K Contact: Nick Diana	Starts and ends at Great Island Common in New Cast	Nick Diana	6/ 4/2018

Memo

To: John P. Bohenko, City Manager

From: David S. Allen, Parking Garage Project Manager

Date: 7/03/18

Re: Foundry Place Parking Garage Construction update

Construction of the Parking Garage Structure proper continues and will be the focus of the efforts on site for the next 6 weeks. The first two bays of the precast concrete garage, which includes the main stairs and elevator tower, have been placed. The contractor has begun placement of the third of the 6 bays of the garage. Internal work on the elevator and stair tower has begun and the glass enclosure for the stair tower is scheduled to be installed the first two weeks of August.

Water, sewer, drainage and telecom underground utility work is nearing completion with final installation of electrical and phone/cable installation to be done in early September. Curbing and road paving will take place in September.

At this time, the project is tracking meet an October substantial completion date. While we are currently tracking a little behind in the schedule, the construction management team is working with the contractors to bring the completion date in on schedule. This will be accomplished through Saturday work and working extended hours during the summer days of extended daylight.

As you will recall, this site was classified as a regulated site by the Department of Environmental Services (DES) and as such required permitting and oversight by DES. In recognition of that situation, the City had an Environmental Escrow included in the Purchase and Sale agreement for the property purchased from Deer Street Associates. The escrow amount was \$500,000 and was designated to be applied to the remediation costs for the contaminated soils on the site. The City has expended approximately \$620,000 in the engineering, testing excavation and disposal of the contaminated materials in accordance with the provisions of the Environmental Agreement. The City has received the full escrow amount of \$500,000. As most of the site work has been completed, additional environmental costs from this point on should be minimal other than final project reporting and close out.

CITY OF PORTSMOUTH



PRESS RELEASE

**FOR
IMMEDIATE
RELEASE**

June 27, 2018

Portsmouth Receives State Approval for West End Economic Revitalization Zone Tax Credit Program

PORTSMOUTH, NH – Developers and future tenants of eligible redevelopment projects in the West End may now be able to take advantage of the business tax benefits available through the State’s Economic Revitalization Zone Tax Credit Program. The City of Portsmouth recently received approval from the State Department of Resources and Economic Development for designation of an Economic Revitalization Zone (ERZ) Tax Zone in the City’s West End in the area around the former City Public Works Facility site and the former Frank Jones Brewery site.

The ERZ program is an economic development incentive for creation of new jobs and expansion of the tax base. Businesses may be eligible for tax credits to be used against Business Profit Tax and Business Enterprise Tax for projects in a qualifying Economic Revitalization Zone. To qualify for the credits, a project must expand the commercial or industrial base of the state, create jobs in the state and meet one of the following criteria:

- create a new facility;
- make expenditures to add buildings, machinery, or equipment to a facility that equals at least 50% of the market value;
- make expenditures which alter or repair a facility equal to at least 50% of the market price; or
- make expenditures to alter or repair a vacant facility equal to at least 20% of the market value of the facility.

The proposed West End ERZ is located one mile west of downtown Portsmouth along the Islington Street corridor. It includes a portion of the City that underwent industrialization in the 1840's. In applying for the ERZ designation, the City's Economic Development Commission cited the goals of expanding the commercial tax base and creating new employment opportunities by attracting commercial/professional uses to the area within the area bounded by Albany, Chevrolet, Islington Streets and the perimeter of Plaza 800. According to Nancy Carmer, the City's Economic Development Manager, "This area was once populated by warehouses, industrial and commercial buildings and has the potential for additional development by adding second stories or being redeveloped as outlined in the City's Master Plan."

The new ERZ approval expands the number of [Portsmouth Economic Revitalization Zones](#) to six, with the other zones being the High Liner Avenue, Pease International Tradeport, Portsmouth Business Park (formerly Commerce Way), Heritage-Constitution Industrial Park and a portion of Downtown. More information on the ERZ program can be found at: <https://www.nheconomy.com/move/incentives-and-tax-credits/revitalization-zone> and at <http://cityofportsmouth.com/economic/economic-revitalization-zones-erz> or by calling 603-610-7220.

City of Portsmouth

Department of Public Works



MEMORANDUM

TO: John Bohenko
City Manager

FROM: Jacob Levenson
Solid Waste Sustainability Coordinator

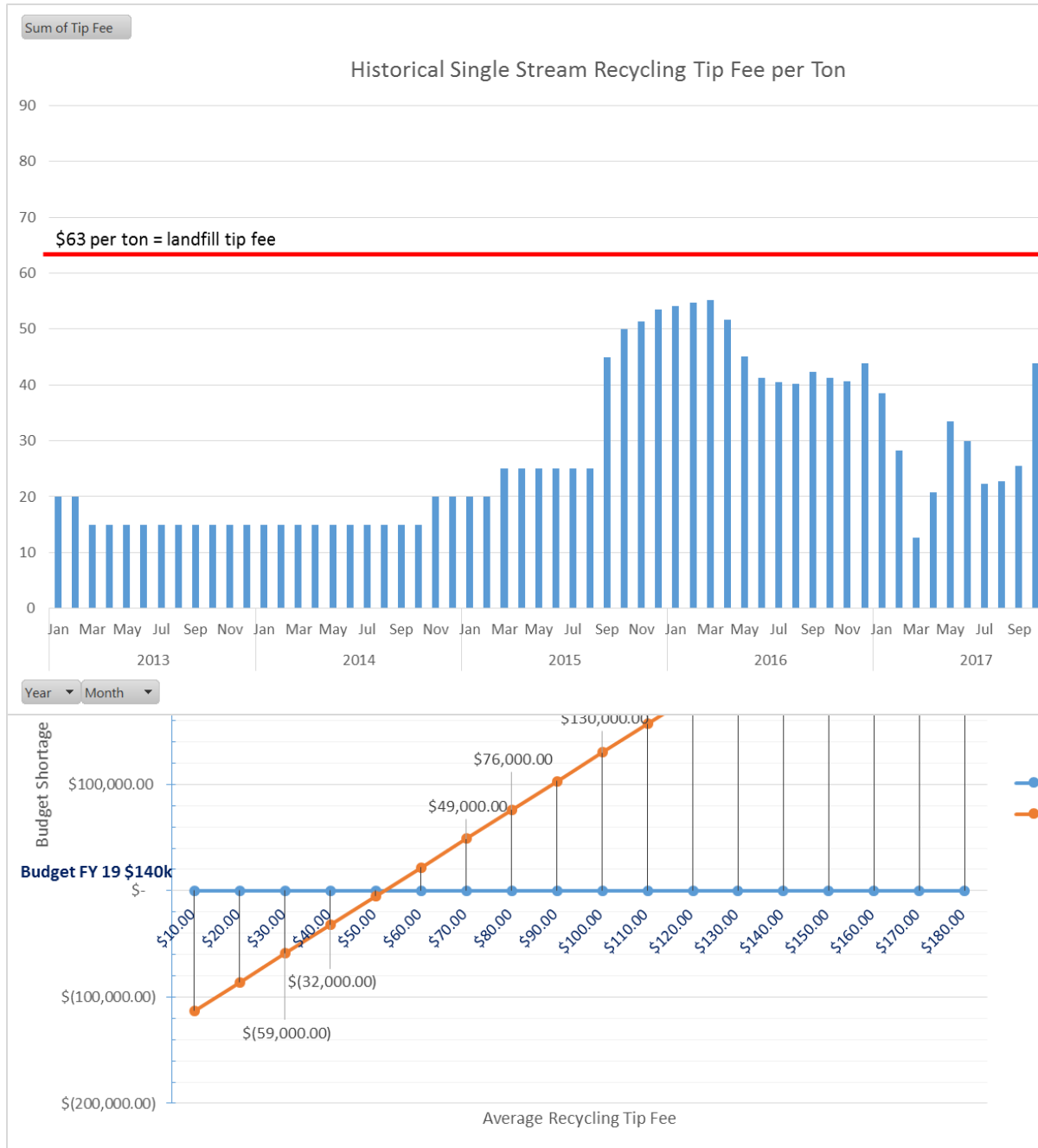
DATE: 6/28/18

SUBJECT: International Recycling Markets and Portsmouth's Recycling Budget Impacts

Recyclables are a commodity bought and sold in international markets. In 2016, China accounted for purchasing and processing over 50% of the world's plastic scrap and recovered paper and fiber. In 2018, China implemented new policies that have banned many categories of materials and include strict quality standards. China has recently limited the quantity of material it accepts for recycling and added specific contamination limits set at 0.5%. These significant changes are affecting the recycling industry world-wide.

Industry experts say market capacity limits could take three to five years to make up China's lost capacity in other places. Lack of market demand has resulted in poor pricing and an oversupply of recyclables relative to the world's processing capacity. Today, approximately 70% of recycled material is negative value for sale of commodities and the price gets pushed back to the municipal generator. Municipalities have seen an increase in the cost of recycling as a result of current market conditions.

The City of Portsmouth's average recycling tip fee for the last five years was \$30 per ton. Our tip fee changes each month based on market conditions and has risen to \$77 per ton as of May 2018. Attached is a graph illustrating the historical monthly changes to our recycling tip fee over the last five years as well as our \$63 per ton landfill tip fee for solid waste (trash) as a reference point. The future impact to our recycling budget in Fiscal Year 2019 (FY 19) is unknown due to uncertain global commodity markets. If at the end of FY 19 the average recycling tip fee is \$50 per ton or lower, the City will remain within its FY 19 budget. For every \$10 the average tip fee rises above \$50 per ton, the City will see an additional \$27,000 impact to the budget. A second graph is attached showing potential budget shortages based on the average recycling tip fee at the end of FY 19. We will continue to recycle and proceed cautiously while monitoring international recycling markets.



RIGHT TO KNOW REQUESTS

Request Date	Request From	Request from and Content	Responded Date	Attorney Responsible	Time Put into Preparation	Follow-Up/Comments
6/15/2018	Mark Brighton	Mark Brighton spoke with SMW and, "the most recent Prescott Park Arts Festival financial records produced to the city"	6/20/2018	SMW	.25 (SMW & DM)	Suzanne indicated that she would speak with David Moore in order to obtain the documentation requested. SMW sent DM an e-mail 6/18/18 requesting the financials. SMW contacted Mr. Brighton who will come in with a flash drive to download the material discussed.
6/15/2018	Steve Contarino of Adamson Industries	Ltr from Steve Contarino of Adamson Industries requesting, "... any quotes or invoices for work on police cruisers from 2 Way Communications for the years of 2017 & 2018"		SMW		SMW sent a letter to indicate the records which they seek are public record and can be viewed here in City Hall.
6/11/2018	Jim Hewitt	E-mail from Jim Hewitt regarding Pease Golf Course Water Records	6/12/2018	SMW	6	Responded by e-mail to indicate there are two electronic documents responsive to his request and if he would like to bring in a flash drive we can load them onto the flash drive (Paige Trace brought in a flash drive to load items responsive to Mr. Hewitt's request)
6/11/2018	Esther Kennedy	E-mail from Esther Kennedy re: documents discussing McIntyre Project with members on the HDC by John Bohenko. Attorney Woodland and Attorney Sullivan. Between June 1, 2017 - June 9, 2018 and electronic or written communication."	6/12/2008	SMW	1 Hr. (SMW, Planning & RAO)	Responded by e-mail to indicate she could come in and review materials (e-mails and unofficial City of Portsmouth posts on Facebook) gathered
6/11/2018	Paige Trace	Letter from Paige Trace requesting information concerning HDC member Shea	6/12/2018	SMW	1 hr (SMW, Planning & RAO) Response time combined with prior request of Esther Kennedy	Responded by e-mail to indicate she could come in and review materials (e-mails and unofficial City of Portsmouth posts on Facebook) gathered (Paige came in and reviewed the materials on 6/12/18)
6/4/2018	Redgroup	E-mail from Redgroup requesting the voter registration applications; voter profiles, voter history report; change-of-address form; change-of-party forms; absentee ballot requests for a "...Maura Corby Sullivan..."	6/8/2018	RPS	1.25	Sent E-mail Back to indicate "...I have searched our voter checklist and find that Maura Corby Sullivan is registered to vote at 48 Pearl Street in Ward 2 as a Democrat. In terms of voter history information Mr. Smith is welcomed to come review our voter checklists from previous elections to see if Ms. Sullivan voted."

RIGHT TO KNOW REQUESTS

Request Date	Request From	Request from and Content	Responded Date	Attorney Responsible	Time Put into Preparation	Follow-Up/Comments
5/31/2018		Ltr to FD regarding Courtney Hickson v. Tributary Brewing, "of all documents in the possession or control of the Portsmouth Fire Department related to the February 7, 2018 motor vehicle accident on I-95..."	6/12/2018	SMW	0.25 (Response)	Sent a letter to indicate this request involves various departments and we will gather information and review and get back to them
5/30/2018	Ecolab	E-mail from Tracy Guziec of Ecolab requesting "any food safety inspections" on Applebees; John Hancock; McDonald; Paddy's; Panera".	5/30/2018	RPS	0.25	Responded material available for review during normal business hours
5/30/2018		Ltr to Ports. PD requesting, "all public records of the City of Portsmouth which relate in any way to an incident that occurred in the Walmart parking lot located on Lafayette Road, Portsmouth...of any call logs or records of 911 calls received on January 30, 2018 between the hours of 3:00 p.m. and 5:00 p.m..."	6/5/2018	RPS	0.5	Sent a 30 day letter to receive information for review and will get back after review.
5/9/2018	Atty. Heather Menezes	Ltr from Atty. Heather Menezes requesting, "...a copy of the inspection department's entire file for Seacoast Mental Health" located at 1145 Sagamore Avenue	5/15/2018 & 6/8/18 (VM)	RPS	1 hr (RPS & RAO prep of letter and VM; Inspection Dept. review of file)	Sent ltr to indicate it would take 30 days and once he secure the information he will review and indicated we can have the file copied at a charge of \$2.00 first page and \$0.50 for each page thereafter. On 6/8/18 called and left Atty. Menezes a voice message to indicate that we have the file but extensive and she could come in and look or send out if want a complete copy.
5/8/2018	Atty. Linda Smith	Ltr from Atty. Linda Smith requesting, "...access to files with respect to the fire that occurred on December 9, 2015 at the Gas Light Restaurant..."	5/17/18 (RPS called) 5/22/18 ltr sent indicating 30 days to compile info)	RPS	1	RPS called and left a message as it was probably Fore records she was seeking, On 5/22/18 Atty. Smith spoke with RAO to indicate she sent letters to both Police and Fire which were verbatim (RAO indicate we had not received the request from Fire but would reach out to them for the letter so we can respond)

RIGHT TO KNOW REQUESTS

Request Date	Request From	Request from and Content	Responded Date	Attorney Responsible	Time Put into Preparation	Follow-Up/Comments
5/4/2018	Clement Madden	E-mail from Clement Madden requesting, "forward us the email that is supposed to be the one I sent you?:"	5/4/2018	SMW	0.25	Forwarded the original e-mail sent by Patrick Howe to Ms. Cottonham on 2/12/18 in order to identify how Ms. Cottonham modified the e-mail.
5/2/2018	Mary Lou McElwain	Ltr from Mary Lou McElwain requesting, "number of electric vehicles registered in the City".	5/2/2018	RPS	0.5	Sent ltr to indicate we do not have the information sought but suggested to contact the State of NH
4/22/2018	Michael Cantor	E-mail form Michael Cantor of WayForward Research requesting Voter Registration & Voting History Records for, "...Maura Corby Sullivan..." ON 6/11/18 asked for copies and we responded	5/2/2018 & 6/8/18 & 6/12/18	RPS	1.5	RPS sent an e-mail response to indicated it would take 30 days and once he secures the information he will review -- City Clerk is checking with SOS's office to see if this information is allowed to be released. AND on 6/8/18 we sent an e-mail indicated to indicate we do not respond to RTKs by e-mail and advised that Ms. Sullivan is registered to vote at 48 Pearl Street in Ward 2 as a Democrat and that after discussion with the Secretary of State she may not answer the remainder of your questions, although you may view voter checklists from previous elections in City Hall..." On 6/12/18 we followed up with a response as they requested copies of documents and Kelli responded, "...we have provided what is allowable by the Secretary of State. There will be no issuance of copies but he may come and review the checklists that we have on file to see if Ms. Sullivan voted in elections for which we have on file in accordance with State Law."
4/19/2018	Pat Bagley	E-mail from Pat Bagley to Legal requesting, "a list of all Parking Division full-time and part-time positions. Dave Allen recently mentioned there are 80."	4/19/2018	RPS	.75 (RPS response time; Ben Fletcher provided materials)	RPS sent an e-mail response to indicated he would secure the information and once he sees the volume and nature of the record he will contact Pat Bagley directly.

RIGHT TO KNOW REQUESTS

Request Date	Request From	Request from and Content	Responded Date	Attorney Responsible	Time Put into Preparation	Follow-Up/Comments
4/18/2018	James Fernald	Separate letters from James Fernald to Planning and Inspection Departments respectively requesting, "calculations, meeting minutes, notes, reports, decisions, correspondence and other relevant information used to determine the conditions of the variance granted by the Zoning Board of Adjustment on August 16, 2016", relating to a project at 996 Maplewood Avenue	4/23/2018	RPS	.25 (RPS Response Time)	RPS sent a letter to indicate the records which he seeks are public records and can be reviewed by contacting both the Inspection and Planning Departments directly to review files.
4/16/2018	Paige Trace	E-mail from Paige Trace requesting, "...any and all sample results for Pease Wastewater Treatment Facility and any and all correspondence pertaining to the testing and results."	4/18/2018	SMW	.75 (SMW & PW)	SMW responded to indicate that there are two notebooks containing the DMR reports filed with the State for the Pease WWTF for 2017 and 2018... if she wants earlier years will need to wait for Terry Desmarais' return from vacation.
4/3/2018	Atty. Twomey	E-mail from Atty. Twomey to request Coakley materials for hearing, "...complete list of the names, tasks performed, payment arrangements (current and historical if different) of these people and any others who have done work for the benefit of the CLG while working for the City?... privilege log identifying the materials not produced during the RTK production..."		RPS		This was handled by Atty. Sheri Young who is representing the City in the Messmer litigation
3/30/2018	Atty. Gearreald (Town of Hampton Atty)	Ltr from Atty. Gearreald (Town of Hampton Atty) requesting information concerning Peter Britz (wages & benefits paid), job description, employment status, number of hours devoted to Coakley matters, names of other employees was paid for utilizing money from the Coakley Landfill Group	4/3/2018	RPS	1 hr between RPS and Finance	RPS responded providing responses to all five questions and Peter Britz' job description.
3/28/2018	Dyani	E-mail from Dyani requesting, "all NEW business licenses from January 2017 - February 2018..."	3/28/2018	SMW	.25 to respond	The records requested are not maintained by the City, the Secretary of State's Office in Concord maintains the business licenses

RIGHT TO KNOW REQUESTS						
Request Date	Request From	Request from and Content	Responded Date	Attorney Responsible	Time Put into Preparation	Follow-Up/Comments
3/28/2018	Joshua Cushman of Portland Builders	E-mail from Joshua Cushman of Portland Builders requesting, "the entire 175 Greenleaf file copied"	3/30/2018	JCP	1 hour each of both Mary Lou & JCP time	Jason worked with them to have the Inspection file copied at Infinite Imaging and to be paid directly by Portland Builders. Copies were billed and directly mailed to Portland Buildings by Infinite Imaging. City filed picked up from Infinite Imaging on 3/30
3/26/2018	Ted Jankowski	E-mail from Ted Jankowski requesting, "what product was being proposed,... on the sidewalk RFP for weed control"	3/26/2018 & 3/28/18	SMW	.75 (SMW + PW)	Provided an e-mail to Ted to indicate that he can come and review the file in Legal. Ted came in and reviewed document
3/21/2018	Katie Blair	E-mail from Katie Blair who is requesting, "to obtain the delinquent tax records for the City of Portsmouth, NH for the years 2015 - 2016"	3/21/18 & 3/27/18	SMW	.25 to respond	SMW sent an email response that indicates that Becky is out until Monday, 3/26 and upon her return Suzanne will speak with her to see if there are documents exist as requested and get back to her. SMW checked with Becky and the list which was requested does not exist in the form requested
3/21/2018	Rebecca Metz of Shaines & McEachern	E-mail from Rebecca Metz of Shaines & McEachern indicating, "a copy of all of Great Circle's records from the time period of March 2012 through September of 2014 on file with the Health Department." AND on 4/17/18 Rebecca e-mail to indicate she would like to come in and review the files.	3/22/2018 & 4/18/18	RPS	.5 hours (prep & send letter)	Sent a letter to indicate the records which they have requested are available for review in the Health Department.& 4/18/18 indicated to Rebecca that she could contact Kim directly to schedule an appointment to review the files.
3/19/2018	Paige Trace	Ltr from Paige Trace who is requesting, "copies of any and all discharge /wastewater permits issued to Lonza Biologics and/or Redhook Brewery..."	3/22/2018	SMW	1.5 hours (Legal & DPW)	Sent letter to indicate that it will take until April 7 to locate an assemble the records for Lonza & Redhook; also provided was a list maintained by PW of all Pease wastewater permits that have been issued, active and inactive.
3/15/2018	Gerald Zelin	Ltr from Jerry Zelin re: Art-Speak requesting "all meeting minutes... since 1/1/05; all records of payments to Art-Speak...; all records of payments by Art-Speak...; Any audit reports..."	3/20/2018 & 4/26/18	RPS	1 hr (prep letter & discussions with Nancy Carmer & Finance Dept.)	Sent letter and indicated we have asked for documents to be gathered by Finance & Nancy Carmer - Loaded a flash drive provided by Atty. Zelin with information scanned by Nancy Carmer
3/15/2018	Gerald Zelin	Ltr from Jerry Zelin requesting, "...electronic copies all communications between Steve Marchand and the City of Portsmouth since January 1, 2013."	3/16/2018	RPS	.2.0 (prep letter, review e-mails, load e-mails onto flash drive and mail)	Sent letter to Atty. Zelin indicating that we would request IT to perform a search which we would anticipate taking 30 days; addition follow-up communications which narrowed scope of e-mails to 2016 to present

RIGHT TO KNOW REQUESTS

Request Date	Request From	Request from and Content	Responded Date	Attorney Responsible	Time Put into Preparation	Follow-Up/Comments
3/8/2018	Glenn Oliver	Request from Glenn Oliver of H2bid, Inc. requesting, "...vendor list ... For each vendor, ... name, contact person, contact email, telephone, and address... water and wastewater area from Jan 1, 2016 to the present..."	3/14/2018 & 4/9/18	SMW	.5 hours (for both SMW & Lori)	Suzanne indicated that she would need an addition 14 days to evaluate whether we have a responsive document(s) AND sent a further e-mail to indicate all we do not provide responsive documents by e-mail.
3/7/2018	Jeff McMenemy	E-mail from Jeff McMenemy re: Coakley, "all documents ... lawsuit against IT Corp and any legal action the IT Corp took against CLG..."	3/12/2018	RPS	0.5	RPS Responded in an e-mail briefly about IT litigation and information contained within
3/7/2018	Pat Bagley	E-mail from Pat Bagley to Judy Renaud requesting (List of Trusts)	3/7/18 & picked up flash drive on 3/9/18	RPS	1.5 hours (RPS, RAO & Judy)	Sent letter to indicate we would get back to her within five days and if she wanted copies she could pay or provide flash drive. On 3/7/18 she brought in a flash drive, documents were loaded and she will retrieve the flash drive on 3/9/18.
3/5/2018	Kyle Stucker	E-mail from Kyle Stucker requesting, "Great Bay/Great Bay Coalition items...all e-mails/memos/letters sent by the City to the consultants...minutes of every public and nonpublic session in which city employees and/or officials discussed Great Bay or the Great Bay Coalition within the specified time range"	3/8/2018	SMW	2.5 hours	Forwarded a letter and attachments pursuant to his RTK request
2/28/2018	Ecolab	E-mail from Ecolab requesting inspection data for various restaurants/businesses	3/1/2018	RPS	.75 hours (RPS, Kim & Kristin, RAO)	Set up a letter to indicate they can review records but that all documents are provided directly to the businesses/restaurants and they could obtain information directly from them (this information has also been provided in electronic format).
2/27/2018	Kyle Stucker	E-mail from Kyle Stucker requesting, "separate city records/financial information pertaining to the money spent to date by Dover, Portsmouth and Rochester in relation to any and all Great Bay Coalition matters".		SMW	1.5 hours (SMW & Amy Chastain)	SMW to speak with Rochester and Dover on 3/1 to discuss the request further

RIGHT TO KNOW REQUESTS

Request Date	Request From	Request from and Content	Responded Date	Attorney Responsible	Time Put into Preparation	Follow-Up/Comments
2/27/2018	Ted Jankowski	Ted Jankowski call Lori MacGinnis and requested the results of the RFP for both the City and school related to the Weed Control and Turf Management	2/28/2018 & 3/14/18	SMW	4.5 hours (SMW, Peter Rice, Jacob & Ken Linchey/staff)	Sent an e-mail back to indicate the inquiry was forwarded to SMW and she is double-checking with the proper individuals next week for the status of the request and will get back to him AND SMW loaded information onto a flash drive for Ted to pick up and will be forwarding to him via e-mail the context as to what is on the flash drive.
2/12/2018	Paige Trace	Letter attached to an e-mail from Susan Paige Trace regarding, "any and all written paper form or electronic form communication including but not limited to memos, memorandums, note, emails... as to the Health of the Great Bay and the Piscataqua River and the municipal relationship of Waste Water (sic) Treatment Facilities as Point Sources of nutrient/chemical contamination... involving the meeting content and the City of Portsmouth's role in both the Great Bay Coalition and the meeting held February 6, 2018."	2/16/2018	SMW	6 hrs. SMW; .5 hrs. Amy Chastain; .25 hrs. Terry Desmarais time	Suzanne prepared a letter which was e-mailed to Paige and uploaded documents onto a flash drive which was provided by Paige. Paige will stop by Legal to pick up flash drive at her convenience.
2/12/2018	Skip Murphy	E-mail from Skip Murphy requesting various information concerning Peter Britz' statement in an article which appeared in the Portsmouth Herald about, "sea level will rise from its average norm now to an additional 2 feet in 32 years?" AND Follow-up e-mail to ask how things are progressing	2/15/2018 AND 3/16/18	RPS	1.5 hours	Sent the thirty day letter which indicates we have requested the materials for review and will get back to him. AND Sent letter to indicate where he was able to locate the information he requested online
2/5/2018	Nancy Clayton of Devine Millimet	E-mail from Nancy Clayton of Devine Millimet regarding "a complete copy of your file with regard to 51 Islington Street..."	2/10/2018	SMW	0.5	Suzanne called Paralegal Clayton to discuss the request and let her know that they can come in to review the files.
1/31/2018	Jim Splaine	Request from Jim Splaine regarding the Coakley Landfill transparency and financial information...	2/7/2018	RPS		Sent letter to indicate it will take approximately 6 weeks to get the records in order
1/31/2018	Mindi Messmer; Renny Cushing; Phil Bean & Henry Marsh	Letter from Reps. Mindi Messmer; Renny Cushing; Phil Bean & Henry Marsh regarding miscellaneous requests for Coakley records	2/7/2018	RPS		Sent letter to indicate it will take approximately 6 weeks to get the records in order

RIGHT TO KNOW REQUESTS						
Request Date	Request From	Request from and Content	Responded Date	Attorney Responsible	Time Put into Preparation	Follow-Up/Comments
1/31/2018	Mindi Messmer; Renny Cushing; Phil Bean & Henry Marsh	Supplemental Letter from Reps. Mindi Messmer; Renny Cushing; Phil Bean & Henry Marsh regarding miscellaneous requests for Coakley records	2/7/2018	RPS		Sent letter to indicate it will take approximately 6 weeks to get the records in order
1/27/2018	Fairpoint	Ltr from Fairpoint to City Assessor re: records concerning RSA 72-8-a Assessment in Portsmouth	2/5/18 & 2/6/2018	RPS	1.5 (RPS & RML)	Sent letter to indicate it will take approximately 30 days to gather records which have been requested AND Rosann responded directly to Tim St. Onge of Fairport and forwarded information via e-mail relevant to the request
1/26/2018	Corey MacDonald	Letter from Corey MacDonald requesting PD SOPs.	1/31/2018	RPS	1 hour for e-mail prep, meeting with PD and sent documentation	After conversation with Atty. MacDonald's partner, Atty. Black, the request was narrowed to O-207; O-130 & O-135 which were forwarded to him
1/25/2018	Ted Simeonov	Letter from Ted Simeonov requesting list of tax deeds	1/25/2018	RPS		Mr. Simeonov came to the office and asked and presented the letter, I explained if a list does not exist we do not need to create one and followed-up with a letter stating the same
1/22/2018	Andy Fleisher of NAI Norwood Group	E-mail to Kristin Shaw from Andy Fleisher of NAI Norwood Group asking to, "review the file in your department for TJ's Restaurant, located at 54 Daniel St..."	1/24/2018 & 1/30/18	KS		Kristin spoke directly to the relator to let him know that she would have to go through the file to ensure nothing needed to be redacted. He will be coming in to review the information pulled. Mr. Fleisher came in on 1/30/18 to review the materials gathered.
1/15/2018	Carol Borges	E-mail from Carol Borges wanting to know, "How would I submit a freedom of information request?"	1/18/2018	RPS		Sent an e-mail back to indicate Ms. Borges could forward a written letter addressed to City Attorney indicating what the information is she is requesting.
1/2/2018		E-mail requesting, "a list of the properties here in the City that have unpaid taxes for 2016 and 2015".	1/4/2018	RPS	.5 hours for e-mail prep and processing	Sent e-mail response that the information does not exist in the form requested
12/26/2017	Kimberley Haas	Written request from Kimberley Haas requesting, "the number of complaints concerning rats in the City for 2015, 2016, and 2017".	12/26/2017	RPS/JF	.5 hours for ltr review, prep and processing	RPS responded that her request has been forwarded to the Health Dept. to gather records. "Because your request closely tracks information sought by the plaintiff in the pending lawsuit, the response to your request will be coordinated by Jane Ferrini, the lawyer handling that lawsuit."
12/20/2017	Sulloway Hollis	Letter from Sulloway Hollis for Police documentation concerning a records rom 11/1/15 through 6/1/16 concerning Jacob John Hooper Carter	12/20/2017	RPS	.5 hours for ltr review, prep and processing	Sent ltr to indicate it would take 30 days to gather materials for review from PD

RIGHT TO KNOW REQUESTS

Request Date	Request From	Request from and Content	Responded Date	Attorney Responsible	Time Put into Preparation	Follow-Up/Comments
11/21/2017	Atty. Jon Flagg	E-mail from Atty. Jon Flagg with specific questions concerning the Liquor Review Committee	11/21/2017	SMW		Sent e-mail response to indicate that Bob was out of the office and would be back on Monday and he would be the best individual to answer question.
11/21/2017	CBRE	E-mail request from CBRE for information concerning 1465 Woodbury Avenue - Phase I Environmental Site Assessment	11/27/2017	RPS	.5 hours for ltr review, prep and processing	Sent ltr response to indicate the records to the extent there are any are available for review within business hours.
11/20/2017		Ltr emailed to City Clerk looking for information pertaining to Senate Bill 3 (2017)	11/22/2017 AND 12/19/17 AND 2/20/18	RPS	.5 hours for ltr review, prep and processing	Sent letter that it would take approximately 30 days to gather information and then would review information and get back to them once review completed. AND sent follow-up letter to indicate Clerk found 46 pages of materials associated with the request and if they send a check in the amount of \$24.50 documents would be sent AND they called on 2/12/18 requesting digital copies of documentation They will send an \$8 check and then the flash drive will be forwarded to them. On 2/20/18 check received and flash drive forwarded with documents located by City Clerk.
11/16/2017	Jon Pearson	E-mail from Jon Pearson which outlined Paige Trace's request for a photo of fence.	11/17/2017	SMW	.5 hour for PW Time	Photo take and provided
11/2/2017	Anna Bennifield	Anna Bennifield re: 1465 Woodbury Avenue - Woodbury Ave Plaza. Wants copies of all violations, zoning, plans, variances, ordinances, permits, etc. CO's for a list of tenants. Also any construction, road plans that would require right of way from property.	11/6/2017 via email from RPS	RPS	Not sure. Estimate 1 hour	Sent e-mail response that the records which are sought are available to be viewed during normal business hours.
11/1/2017	Evan Cochran	Request from Evan Cochran "requesting list of homeowners in Portsmouth with unpaid or delinquent property taxes..."	11/1/2017	RPS	.5 hours for ltr review, prep and processing	Sent e-mail response that the list you seek does not exist.
10/31/2017	Jane Zill	email from J Zill req Vendor payment history to E Tupper Kinder	11/3/2017	SMW	1/2 hour 11/2/17 for SMW. 1/2 hour on 11/3/17 - includes both SMW and Andrew P's time	on 11/3/17 sent letter and loaded a flash drive with Pentamation information. Zill's friend AJ came to pick up the envelope on 11/3/17
10/23/2017	Atty. Karyn Forbes	Ltr from Atty. Karyn Forbes to Inspection regarding request for information re: CSST back to 1/1/15	10/26/2017 11/17/17	JF/SMW	7.0 hours for SMW review of e-mails and ltr prep. & 4.5 hours for IT in captivating e-mails	Sent ltr to indicate it would take 30 days to gather materials for review AND provided letter on search criteria and flash drive with e-mails

RIGHT TO KNOW REQUESTS

Request Date	Request From	Request from and Content	Responded Date	Attorney Responsible	Time Put into Preparation	Follow-Up/Comments
10/16/2017	Jane Zill	E-mail from Jane Zill re updated request concerning Hall & Associates, Greay Bay Coalition and Center for Regulatory Reasonableness; "Using the city's Pentamation system, please send me the Vendor Payment History Report of any city department, including those of the Legal Department and the Department of Public Works to (1) Hall & Associates, (2) Great Bay Municipal Coalition, and (3) the Center for Regulatory Reasonableness... purpose of the payouts, the dates, amounts, and the check numbers of the payouts... between 1/1/04 and 9/19/17".	10/16/2017 & 10/19/17 & 10/23/17 & 10/24/17	SMW	1.25 hours for Legal and Accounting to respond today to the Pentamation request; 1 hour on 10/19/17 for both Suzanne's time and Amy at PW for collection and review of documents; 1.25 hours for SMW re-Permitation	Sent an e-mail with a letter attached indicating she could pick up flash drive with the list that was prepared through Pentamation. Jane Zill came in to review the information pulled for her review.
10/16/2017	Sulloway Hollis	Letter from Sulloway Hollis for Police documentation concerning a records rom 9/1/15 through 11/1/15 concerning Jacob John Hooper Carter	10/20/2017 11/16/17	RPS	1 hour from initial responses and follow-up response from PD	Sent ltr to indicate it would take 30 days to gather materials for review from PD AND sent follow up letter and memo from PD no information found
10/9/2017		E-mail from Starrtrac6@aol.com requesting, "any/all information that the Portsmouth Police Department can provide ... reference the following individual's...taken place around 2005 to May 2009...Laurel L. Clark 1001 Islington St Apt 59..."	10/10/2017	RPS	.5 hours for ltr review, prep and processing	Sent an e-mail that indicated it would take approximately 30 days to obtain materials for review a would get back to them after that time period. NO FURTHER REPOSE PROVIDED due to vagueness of email
9/28/2017	Jane Zill	Letter from Jane Zill requesting information concerning "property that is owned and/or managed by the City... that is leased, subleased, rented, or loaned to any business, public or private commercial entity, corporation, llc, private individual, trust, corporation or no-profit organization, including the terms of the agreement of the leases, subleases, rentals, or loans" AND asking specifically for information concerning Ceres Street Dumpster location	10/2/2017 & 10/24/17	SMW	45 minutes (Kelli); 1 hour (SMW - review request and begin identifying method for locating records); .5 hours (for SMW & RAO); 1 hour (for SMW), 15 minutes each (for Finance & City Clerk) and half for Legal Dept Staff	Provided a letter response and placed information on a flash drive for Ms. Zill to review. Pulled information concerning location of Ceres Street dumpster materials for Ms. Zill's review. Jane Zill came in 10/24/17 to review materials

RIGHT TO KNOW REQUESTS

Request Date	Request From	Request from and Content	Responded Date	Attorney Responsible	Time Put into Preparation	Follow-Up/Comments
9/19/2017	Jane Zill	Letter from Jane Zill requesting information concerning Hall & Associates billings, invoices, expenses, correspondence both mail and e-mail AND Follow-up letter "itemize and non-itemized invoices.." and "payments made..." to Hall & Associates between 1/1/02 and 9/18/17"	9/22/2017 & 9/29/17 & 10/11/17	SMW	45 minutes (SMW draft letter and outline search parameters) & 2.5 hours (GR); 1 (SMW begin review of electronic files and determination of how to identify public and exempt records); .5 (SMW to review worksheet and prepare letter); .5 (RAO to prepare letter and place document on flash drive); .5 (AC - PW to compile data); .5 hours (SMW review bills); .25 hours (SMW discussion with Ms. Zill); 4.75 hours (SMW time on Oct 10 and 11 which included drafting communications to Ms. Zill, checking case law on right to know obligations, as well as assembling, reviewing and redacting documents and t/c with Dover and Rochester counsel re great bay coalition billing); .45 for Amy Chastain's time assisting SMW; .25 in time for Jen in accounting	Is overly broad and voluminous materials to review and anticipate at a minimum will take an additional 30 days provided follow-up spreadsheet on flash drive and letter ----- on 10/10/17 Ms. Zill followed up with another e-mail requesting redacted bills by 8:00 a.m. on 10/11/17. 10/11/17 bills loaded onto flash drive and picked up by Jane Zill

RIGHT TO KNOW REQUESTS

Request Date	Request From	Request from and Content	Responded Date	Attorney Responsible	Time Put into Preparation	Follow-Up/Comments
9/19/2017	Jane Zill	Letter from Jane Zill requesting information concerning expenses etc. of City Manager, Legal Department & Public Works (The Center for Regulatory Reasonableness) billings, invoices, expenses, correspondence both mail and e-mail AND follow up letter Letter from Jane Zill requesting at least the "itemized and non-itemized invoices, travel expenses, log of contacts, donations, contributions, or payments made in any form..." pertaining to the Center for Regulatory Reasonableness between 1/1/13 to 9/18/17	9/22/2017 & 9/29/27 & 10/13/17	SMW	1 hour (SMW Draft letter, identify pleadings for download); .5 (RAO prepared letter and place documents on flash drive); 1.25 (SMW)	It may take 20 days to evaluate; if interested in pleadings filed in Court relative to litigation on bypass I may be able to make what the City has available for pleadings filed within a shorter time frame
9/19/2017	Jane Zill	Letter from Jane Zill requesting information concerning bringing City Sewer Service to 27 Shaw Road in association with the sewer service extension of Sagamore Avenue billings, invoices, expenses, correspondence both mail and e-mail	9/22/2017	SMW	1 (SMW average for water & sewer billing info; draft letters) 1 hour additional for Sagamore Creek on Wed, 11/1/2017	Placed information on one of the flash drives she provided containing the water and sewer billing information for your property from 2002 to present and available for pick up.
8/30/2017	Beth Dinan	From Beth Dinan. Asking if Commissioners have a received a response from arbitrator Re: Aaron Goodwin's termination appeal	Letter from RPS dated 8/30/2017	RPS	30 minutes	RPS referring request to Thomas Closson, counsel for case for further inquiry
8/22/2017	Atty. Caramagno	Ltr sent to Gail at Fire Department from Atty. Caramagno and received 8/22/17 requesting information on 3370 Lafayette Road Unit 15	8/23/2017	RPS	1.5 hours	Sent a ltr saying that we would request the records which would take approx. 30 days.
8/22/2017	Ted Jankowski	E-mail sent to SMW from Ted Jankowski requesting No-Spray List	9/12/2017	SMW	1 hour	sent an e-mail with an attached list

RIGHT TO KNOW REQUESTS

Request Date	Request From	Request from and Content	Responded Date	Attorney Responsible	Time Put into Preparation	Follow-Up/Comments
8/18/2017	Paige Trace	E-mail sent to SMW from Susan Paige Trace requesting access to Report on Sludge Building at PIWWTF as well as all archaeological related communications relative to PIWWTF	8/18/2017 & 8/22/17 & 9/15/17 & 9/18/17 & 10/11/17	SMW	1 hour (SMW) & 7 hours (GR for an e-mail search); 1.5 (SMW begin review and sorting of e-mails); 1.5 hours (SMW archeological reports); .25 (SMW conversation with Paige); .5 (SMW loading information onto flash drive)	Responded she could come in an review document. Sent 2nd e-mail to indicate she was going away and could review documentation but will have to wait until after labor day for other aspects of her request Provided information in a drobox format; On 9/18/17 met with Paige Trace to further discuss report and archeological documents requested AND provided letter in follow-up to 8/18/17 meeting and subsequent communications
7/27/2017	Ecolab	E-mail sent from Tracy Guzic of Ecolab requesting, "any food safety inspections" on Applebees; John Hancock; Courtyard by Marriott; Paddy's; Panera.	7/28/2017	RPS	0.25	Responded that the information, if any, would be available for review during normal business hours.
7/12/2017	Atty Joseph Russell	Atty Joseph Russell of Kalil & LaCount, Rye NH re: 107 Stark St property tax payments 1998 - 2005	7/12/2017 via fax from Becky; 7/13/2017 from RPS	RPS	Becky: 5 minutes Legal: 1 hour of Marian's time to write & update letter & RPS review.	Becky sent tax payments from 2006 to present. RPS said older records not req'd to be kept & are not available
7/11/2017	Ted Jankowski	from Ted J re: The List	7/13/2017	SMW	Roughly 1 hr	SMW and Ted J have been going back and forth via e-mails regarding the request
6/30/2017	Ted Jankowski	from Ted J : re: wants to know what is the "other synthetic product" referenced in Herald article.	7/6/2017 & 7/7/17	SMW	.5 legal and .5 DPW	sent a communication to Council . Can make a copy of that available.
6/24/2017	Ms. Lin	E-mail from Ms. Lin of a research team at BU looking for, information about municipal elections in Portsmouth City, NH" since 2008	7/5/2017	RPS	0.25	Sent E-mail that information can be viewed in the Clerk's office
6/8/2017	Ted Jankowski	E-mail from Ted Jankowski requesting, "...complete list of all the chemicals...used to maintain our parks, ... public buildings like the library, etc.?"	6/9/2017 & 6/14/17	SMW	.5 for legal and .5 for DPW & School Staff	Indicated forwarded the request to Peter Rice and awaiting information Sent Ted e-mail on 6/14 to indicated he could come in and review information or have information placed on flash drive.
5/22/2017	Atty. Caramagno	Ltr from Atty. Caramagno re: Congress & Fleet St requesting, "any and all communication and/or Notices received by the City... regarding the deterioration and or defect in the sidewalk...for a period of 10 years 6/18/17 to 5/18/17"	5/25/17 & 6/6/17	RPS	.5 legal and .5 DPW	Sent letter to indicate will take 30 days as we will forward to Public Works Followed up with a letter SMW who requested clarification of corner.

RIGHT TO KNOW REQUESTS

Request Date	Request From	Request from and Content	Responded Date	Attorney Responsible	Time Put into Preparation	Follow-Up/Comments
5/16/2017	Ecolab	E-mail sent from Marcela Lopez of Ecolab requesting, "any food safety inspections" on Applebees; John Hancock; Courtyard by Marriott; Paddy's; Panera.	5/19/2017	RPS	0.5	Responded that the information, if any, would be available for review during normal business hours.
5/10/2017		E-mail sent to Health Dept. requesting, "to potential environmental issues (tanks, spills, emergency responses, etc....)" concerning 33, 35-45, and 47 Bow Street	5/11/2017	SMW	10 minutes	Responded directly via e-mail
5/8/2017		Ltr sent via fax to Nicole in PD requesting Release of Documents concerning Catrina Andrade (d/o/b: 1/4/97)	5/9/2017	SMW	10 minutes	Sent letter with memo attached to indicate that the time period requested the individual was a "minor" juvenile and therefore records "not release".
4/26/2017	Atty. Tony Soltani	E-mail request from Atty. Tony Soltani requesting, "any documents, correspondence or email or subpoena to or from Deerfield Police Department, their prosecutor, or any person affiliated with the department related to securing presence of Officer Keegan Pearl..."	4/31/17 & 6/9/17	RPS	1.25 (not including PD time)	RPS send an e-mail response indicated that it will take at least 30 days to gather information for review and respond accordingly. Forwarded ltr with a memo from PD
4/19/2017	Mark Brighton	E-mail request from Mark Brighton re: summonses issued on various dates in 2017	4/20/2017 & 5/24/17	RPS	.75 (not including PD time)	Sent 30 day ltr; sent a follow-up letter to indicate he could come in an review citations responsive to request which have been provided by PD
3/22/2017	Jeff Bernarducci	E-mail request from Jeff Bernarducci "production of the Coakley Landfill Group Participation agreement and any other agreements related to the Coakley Landfill to which the City of Portsmouth is a party, member or stakeholder in any way".	3/23/2017	RPS	0.5	Sent E-mail that he can come in and review Consent Decrees & PPA on 3/30/17 at 10:00 a.m. pursuant to his demand and that if any other agreements are located he will be notified. Received an e-mail back from Mr. Bernarducci (3/23/17) to indicate he has received the information which he requested from other avenues and is "all set at this time but naturally reserve all rights"
3/6/2017	Paige Trace	Ltr from Susan Paige Trace, "requesting any and all written paper form or electronic form communication including but not limited to memos, memorandums, notes, comments, emails, documents... pertaining/contributing to the creation of the article, "Portsmouth says test solve debate on river pipe" posted February 24, 2017 in the Herald.	Initial response provided by e-mail dated March 10. Ms. Trace took copies of documents on March 13	SMW	SMW 1 hour. DPW staff 1/2 hour	Additional response pending.

RIGHT TO KNOW REQUESTS

Request Date	Request From	Request from and Content	Responded Date	Attorney Responsible	Time Put into Preparation	Follow-Up/Comments
3/3/2017		Received an e-mail request for, "the current list of the monthly pass-holders, both residential & commercial for the High Hanover Garage".	3/6/2017	RPS	.75 (Legal & PW)	Sent e-mail to indicate materials received from Joey Giordano and can come in and review the documentation.
3/2/2017	Atty. Cunningham	E-mail from Atty. Cunningham requesting documents re: investigation of Marcy Street and North Mill Pond outfalls.	3/7/2017	SMW	1 hour	Forwarded an e-mail response and provided attachments
2/24/2017	Murphy	Second E-mail to Police Commission from Murphy re: Carry Law	3/1/2017	RPS		Sent ltr to indicate request of records to take 30 days
2/23/2017	Patricia Bagley	E-mail from Patricia Bagley to City Clerk requesting, "All DPW work orders for work done today, February 23, 2017". (Page Trace and Ms. Bagley came in to review).	2/27/2017 & 3/3/17	SMW	.75 hours (SMW) .50 hours (Jsiegel)	Sent email 2/27/17 saying redacting necessary and hope to have redaction done by 3/6/17 AND Sent e-mail 3/3/17 to indicate could come in and review documentation. Ms. Bagley & Trace came in on 3/6/17 to review the documentation. And on 3/6/17 sent follow-up e-mail to Atty. Cunningham.
2/22/2017	David Murphy	E-mail from David Murphy re: Gun information --- "Why are you telling the NH Public something that is contrary to the text of what the law actually states?"	2/24/2017	RPS	0.5	Sent a letter to indicate that the comment was not necessarily a RTK
2/21/2017	Atty Pettis	Ltr from Atty Pettis re: Krantz documentation	3/6/2017	RPS	1	Sending ltr asking for documentation from PD and that he can review legal dept files at convenience. On 3/21/17 Atty. Pettis came in and reviewed documentation of which we provided pdf copies of the same to him.
2/16/2017	Patricia Bagley	Ltr from Patricia Bagley re: Sewer force main break on Pierce Island as part of WWTF upgrade.	2/21/2017	SMW	7 hours	Sent ltr to indicate where the report can be found online and that additional information would be provided by 3/23. On 5/1/2017, SMW wrote a letter to Ms. Bagley with great detail re the emails and the searches performed. SMW loaded the requested information onto Ms. Bagley's flash drive. On 5/2/17 SMW spent 10 minutes explaining to her in person how to access the information on the flash drive. SMW wrote a memo to the file on 5/2/2017 explaining the status of the request.

RIGHT TO KNOW REQUESTS

Request Date	Request From	Request from and Content	Responded Date	Attorney Responsible	Time Put into Preparation	Follow-Up/Comments
2/15/2017	Atty. Morris	Ltr from Atty. Morris requesting public records that describe the events in June 2016 concerning... Jessica Zadio and her dog named Jordan..."	2/24/2017	RPS	0.5	Sent ltr to indicate that she can come in and review documentation or pay \$8 to have documents placed on flash drive.
2/1/2017	NH Public Defender	Ltr to NH Public Defender requesting records... Timothy Murdock (d/o/b: 12/30/77)	2/7/2017 & 2/24/17	RPS	10 minutes	Sent ltr to indicate requested records from PD and anticipate 30 days until received for review, will contact once received. Letter sent to Public Defender K Miller 2/7/17 AND Sent follow up ltr that could come review info
1/31/2017	NH Public Defender	Ltr to NH Public Defender requesting records... Candi Serounian... of 17 Wedgewood Ave	2/2/2017 & 2/7/17 (Ms. Miller reviewed documentation 2/24/17)	RPS	10 minutes	Sent ltr to indicate requested records from PD and anticipate 30 days until received for review, will contact once received. Letter sent to Public Defender K Miller 2/7/17 AND Ms. Miller came in 2/24/17 to review documentation
1/28/2017	Jeffrey Pesarik	Ltr from Jeffrey Pesarik requesting police reports from an incident that took place on 7-6-16 involving Jeffrey Pesarik	2/2/2017	RPS	10 minutes	RPS sent ltr to include information received from PD from request of Michaeline Smith back in August 2016
1/20/2017	Arthur Clough	Request from Arthur Clough for documentation from PD on Jerome Steffen	2/6/2017 & 2/14/17	RPS	1.75	Sent a letter to indicate documentation received for review from PD and to call and schedule an appt to come in and review. Letter dated 2/7/17 sent to A. Clough saying the materials were available for his review or for a charge if sent. Arthur Clough came by on 2/14 to pick up a thumb drive that contained the materials and will call to come back at a later date to review. On 3/3/17 he came in and reviewed the hard copy of the materials.
1/13/2017	Arthur Clough	E-mail from Arthur Clough requesting, "all email communication between Rick Taintor and Elizabeth Moreau for the month of October and November 2016	1/13/17 (sent an e-mail to indicate will request e-mails and then review and get back to him at that time.)	RPS	2 (not including IT Time)	Sent e-mail to indicate that will be contacted once Rick performs search and we have reviewed e-mails AND 3/2/17 heard from Mr. Clough again and we responded that we just received info from Rick Taintor and he could come in and review. On 3/3/17 he came in and picked up a flash drive containing the information (pd. \$8).
1/12/2017	Steve Falter	phone call from OSHA, Steve Falter asking us to resend the report on 90 Fleet Street that we had sent him in September	1/12/2017	RPS	10 minutes	Resent via E-mail on 1/12/17

RIGHT TO KNOW REQUESTS						
Request Date	Request From	Request from and Content	Responded Date	Attorney Responsible	Time Put into Preparation	Follow-Up/Comments
1/9/2017	Tim	E-mail from Tim addressed to Becky Benvenuti re: Delinquent property taxes under lien	1/17/2017	RPS	15 minutes	Sent e-mail to indicate that the records which he sought does not exist
1/7/2017	Ana Carrillo	Ana Carrillo letter to PD for Cortez-Nieto/Cedeno-Larios injury records of 8/10/16	Letter sent to A Carrillo 1/11/2017 dated, mailed 1/12/17	SMW / RPS	20 minutes	Sent Final Letter on 1/13/2017 with attached memo from Police Dept saying no info of incident had been found.
1/6/2017	Julie Kahler	Julie Kahler 127 Hanscom Road, Elliot, ME. (request submitted on the website) Looking for Pierce Island grants /applications. Paige Trace and Ms. Bagley came in to review documents)	1/10/17. SMW asked for more clarity via email dated 1/10/17. J Kahler emailed on 1/12/17 with more information. Also sent e-mails on 2/16/17 and 3/3/17	SMW	11 hours	SMW communicating information via e-mail AND send follow-up e-mail of 2/16/17 AND 3/3/17
1/6/2017	Richard W. Coombs	Richard W. Coombs looking for arrest records for Leslie S. Coombs that occurred on 8/12/2016 on State Street	1st Response via email from SMW on 1/10/2017 & 2nd response 1/23/17	SMW & RPS	20 minutes	First response sent by SMW to indicate 30 days; materials received from PD and RPS sent ltr that documents available for review or charge to be copied.
1/4/2017	Gilles Bissoneette ACLU	from Gilles Bissoneette ACLU Re: Usage of RSA 659:50, III During the 2016 General Election and Preservation Request.	1/5/2017 & 1/24/17	RPS	1.5 (Legal & City Clerk)	Sent Letter via email & Follow-up ltr from City Clerk went out on 1/24/17 providing information responsive to request
1/4/2017	Tim Sheppard	Tim Sheppard of 54 Ceres St. came in requesting info on License Agreement on Ceres St Dumpster	1/4/2017	RPS	10 minutes	Marian made copies of 2 documents at RPS's instruction.
12/30/2016	Mindi Messmer	Ltr from Mindi Messmer re: Coakley pertaining to, "the structure of the Coakley Landfill Group or Coakley Landfill Superfund Group or other related trust..."	1/4/2017 & 1/8/17	Peter Britz	30 minutes	Provided Peter with a form letter for him to utilize to respond to Mindi's request to come in and review Participation Agreement -- Mindi requested a flash drive for the materials to be placed on

RIGHT TO KNOW REQUESTS

Request Date	Request From	Request from and Content	Responded Date	Attorney Responsible	Time Put into Preparation	Follow-Up/Comments
12/30/2016	EBI Consulting	Ltr from EBI Consulting requesting information concerning Phase I Environmental Site Assess. For 164 and 166 Corporate Drive	1/3/2017	RPS	0.75	Sent letter that will collect materials for their review and estimate will take 30 days for collection and review will contact once completed
12/23/2016	Atty. Hillman	Ltr from Atty. Hillman requesting, "any calls for service or other responses...to 279 Wibird St from 1/1/13 to present	12/29/2016 & 1/23/17 & 2/3/17	SMW		Sent standard 30 day letter to assemble records and then review for content and will contact AND Sent follow-up ltr to indicate could come in and review information requested and then forwarded him CD of information requested
12/12/2016	Jacqueline Sessa	E-mail from Jacqueline Sessa to Lori MacGinnis in Finance re: Active Contracts	12/1/416	SMW	15 minutes	SMW e-mailed back to indicate that the City does not maintain a public record(s) as you describe in your e-mail
12/6/2016	Nayden Stoyanov	E-mail from Nayden Stoyanov requesting various information pertaining to stop on 11/26/16 by Officer Outhouse...	12/9/2016 & 1/23/17	SMW		RPS sent an e-mail response that it would take 30 days and sent request to PD. 1/23/17 forwarded second e-mail to say information received and he could come take a look or for a charge would send it to him.
12/1/2016	Gerald Zelin	Atty. Zelin is following up on his 6/1/15 request concerning Harborcorp materials and requested, "...Mr. Cracknell's June 10, 2015 5:19 P.M. email to Ms. Duprey, along with the draft decision Mr. Cracknell attached to that email message"	12/2/2016	SMW		SMW will send response to Mr. Zelin which she will follow-up on upon her return from Florida
12/1/2016	Caitlin Russell	email from Caitlin Russell requesting info on Trump visit.	12/2/2016	RPS		12/2 sent email saying they are assembling records. 1/3/17 sent email saying records are available. Email sent 2/7/17 saying we will send info once payment is received.
11/30/2016	Town Manager Paul Apple of North Hampton	Town Manager Paul Apple of North Hampton requested the Exhibits and Schedule to the PC P Agreement as well as a copy of the original Consent Decree in Coakley (indicated could be paper or electronic)	12/1/2016	RPS		Mr. Apple will be coming in to City Hall 12/2/16 to listen to Coakley teleconference and look at and pick up materials requested
11/22/2016	Matt Cook	E-mail from Matt Cook requesting information of Ports. properties with delinquent taxes from 2014 and back...	11/28/2016	RPS		RPS had RAO send an e-mail to indicate that the City does not keep records as requested.

RIGHT TO KNOW REQUESTS						
Request Date	Request From	Request from and Content	Responded Date	Attorney Responsible	Time Put into Preparation	Follow-Up/Comments
11/10/2016	Sam Auffant	Ltr from Sam Auffant requesting information of Ports. Residents who are 1 year or greater delinquent on their tax payments...	11/17/2016 & 11/28/16	SMW		SMW sent an e-mail to indicate she would review the request and hopes to get back to him before Thanksgiving if not by end of November. On Nov. 28th SMW sent second e-mail to indicate that the City does not keep records as requested.
11/8/2016	Beth Dinan	Request from Beth Dinan re: Copy of Cattabriga Settlement	11/9/2016	RPS		Forwarded to Beth just the Settlement Agreement
11/2/2016	Paige Trace	Paige Trace came in to review second Archeological Report re: PI WWTF	11/2/2016	SMW/rao	15 minutes	Paige reviewed the document and indicated she may or may not be back to review it again.
10/20/2016	two gentlemen from N. Hampton	Request from two gentlemen from N. Hampton looking for information concerning Coakley	10/20/2016	RPS		RPS heard the gentlemen's request and took the time to explain things to them regarding Coakley and also provided them with a copy of the Participating Parties Agr which satisfied their request and the conversation satisfied their questions.
10/19/2016	Sue Buttislieli and Bill Hensley	Sue Buttislieli and Bill Hensley (former tenants of Susan Regan) called to request "Cease & Desist Order	10/19/2016	RPS		No Cease & Desist Issued but called and left a message to indicate they could come by and pick up a Ltr to Susan Regan dated 8/15/16 from RPS and a Ltr dated 8/15/16 from Patrick Howe, Fire Inspector for a cost
10/5/2016	Scott Lucius	Ltr from Scott Lucius re: David Dufresne, Jr. 90 Fleet Street electrocution	10/14/2016	RPS		Sent Ltr to indicate that due to the volume it would take approximately 30 days to gather materials and will respond after that.
10/3/2016	Ryanne Haskell	E-mail from Ryanne Haskell requesting, "offer and settlement on papa wheel's and stokol that went to BTL"	10/4/2016	SMW		SMW had me forward two attachments via e-mail to Peter in response to his request and additional documentation as available.
9/30/2016	Andra of Mallory & Friedman	E-mail from Andra of Mallory & Friedman requesting e-mails pertaining to 51 Islington Street (Andra sent a follow-up e-mail concerning the outstanding e-mail request)	10/20/2016 (12/14/16)	SMW	15 minutes	SMW to do search criteria for IT and awaiting information - (Suzanne indicated in a follow-up e-mail of December 14, 2016 that indicated there had been approximately 3,000 e-mails that she would need to go through and would take several months for review unless she could narrow down the scope and she would review as time allows)
9/29/2016	Lenore Weiss Bronson	E-mail from Lenore Weiss Bronson requested copy of the superior court decision on the Subaru case	9/29/2016	RPS		Responded by forwarding to her the Court Order and the Court Order on the Motion for Reconsideration
9/29/2016	Ryanne Haskell	E-mail from Ryanne Haskell requesting "... obtaining a list of residents and/or addresses with delinquent/overdue tax liens"	9/29/2016	RPS		Responded that it would take 30 days to gather the material if it was available. On 9/29/16 Becky indicated in an e-mail response she indicated directly to Ms. Haskell to say the list does not exist.

RIGHT TO KNOW REQUESTS

Request Date	Request From	Request from and Content	Responded Date	Attorney Responsible	Time Put into Preparation	Follow-Up/Comments
9/28/2016	Nancy Elwell	E-mail from Nancy Elwell to SMW requesting • A list of businesses/addresses of those who have received 1st and 2nd notices of violation of the water ban. • A list of golf courses that are still allowed to partially water	9/29/2016	SMW		SMW sent an e-mail response and provided her with a copy of the letter which was forwarded to Jeff McMenemy and its attachment which sufficiently answers this request
9/22/2016	Atty Cunningham	E-mail from Atty Cunningham re: each and every proposal the City received from engineering firms seeking to bid on the preparation of the plans and specifications for the Peirce Island WWTF	9/26/2016	SMW		Sent an e-mail to indicate responses available for review by end of day on 9/28/16
9/19/2016	Curt Schlom	Ltr from Curt Schlom of Wilson Elser re: David Dufresne, Jr. incident at the McIntosh Condominium Building on Fleet Street	9/26/2016	RPS		Sent Ltr to indicate that due to the volume it would take approximately 30 days to gather materials and will respond after that.
9/16/2016	Atty. Doleac	Ltr from Atty. Doleac re: incident of 8/15/16 re: Estate of David Dufresne	9/19/2016	RPS		RPS sent a ltr to indicate it would be a matter of 30 days in order to get material requested.
9/14/2016	Paul Mannle	Ltr from Paul Mannle re: access to the governmental records in the control of the COP, "copies of the final campaign contribution statements, showing all cumulative contributions, of the current City Council for the prior municipal election of November 2015.	9/19/2016	SMW		SMW sent an e-mail to indicate the information for which Paul sought has been copied and available for pick-up in the Legal Department during business hours at a cost of \$13.00
9/13/2016	Londonderry Exec. Employees Association	Ltr from Londonderry Exec. Employees Association re: salaries of various positions and all benefit packages... as well as various other budgetary requested information	9/19/2016	SMW		SMW sent ltr to indicate much of info online and to review Finance and HR website for the COP; SMW also indicated that they could expect a follow-up ltr by 9/30
9/9/2016	Jim Boyle	Letter from Mr. Boyle requesting a video recording of entry to City Hall of 9-6-16 altercation that took place between Mayor Blalock & a citizen of Portsmouth during the break of the City Counsel meeting.	9/13/2016	SMW		SMW sent an e-mail to Mr. Boyle's attorney, John Kuzinevich to indicate that there is not video or audio recording in the lobby area as requested by Mr. Boyle concerning the 9/6/16 incident.

RIGHT TO KNOW REQUESTS

Request Date	Request From	Request from and Content	Responded Date	Attorney Responsible	Time Put into Preparation	Follow-Up/Comments
9/6/2016		E-mail requesting, "a copy the City of Portsmouth ESCA with the Air Force."	9/22/2016	SMW	15 minutes	On 9/9/16 I forwarded the ESCA information to SMW via e-mail as she was working out of the office
9/2/2016	Kristin Shaw	E-mail to Kristin Shaw of the Health Office from a Ms. Driscoll who may be renting space in Portland Maine to the former owners of the Pink Bamboo restaurant for any code/health issues while they operated in Portsmouth	9/14/2016	SMW/KS		Kristin was responding by forwarding information which was requested after discussion with SMW that the response and documents could be forwarded from Kristin.
9/2/2016	Jim Boyle	Mr. Boyle came in to the Legal Department and requested a copy of the Houston Holdings appraisal	9/6/2016 & 9/13/16	SMW		Mr. Boyle was verbally notified on 9/6/16 that the document was in storage and we would have to pull the file from storage and confirm that the pdf found on the computer was the final version in the file. On 9/13/16 Attorney Kuzinevich was forwarded a pdf version of the appraisal
8/31/2016		E-mail requesting, "a list of all the people and/or businesses you sent first-time notices to who violated the mandatory odd/even water restrictions, including their names and addresses	9/1/2016 & 9/26/16	SMW	2.5 hours	SMW sent an e-mail to indicate she was out of the office and she will talk with Brian to see what we have an respond accordingly in relation to a recent RTK case concerning utilities and customer information. On 9/26/16 SMW sent a follow-up letter providing the information requested as it pertained to business owners.
8/24/2016	Kristyn Bernier	Ltr from Kristyn Bernier requesting invoices and Vendor Payments pertaining to Michael Pardue, the Tidewater Group and invoicing for consultation/investigative work he was hired to do for the City of Portsmouth	8/26/2016	RPS		Bob handed Kristyn Bernier the packet of materials that had been prepared for Atty. Wilson's review and indicated that Atty. Wilson had not responded to our response indicating she could come in and view them or send a check for \$26.50 the cost to have them e-mailed. Kristyn reviewed the materials and left them here in the Legal Department.
8/15/2016		E-mail to Kim requesting mosquito data request	9/1/2016 & 9/8/16	SMW		Sent letter to indicate that will determine with Health Department of there is any data by 9/12 ----- On 9/8/16 sent follow-up letter to indicate Portsmouth does not trap or test mosquitos and we only receive summary reports from third parties.

RIGHT TO KNOW REQUESTS						
Request Date	Request From	Request from and Content	Responded Date	Attorney Responsible	Time Put into Preparation	Follow-Up/Comments
8/9/2016	Mallory & Friedman	Request from Mallory & Friedman requesting	8/10/2016 & 8/12/16	RPS		RPS sent ltr to indicate we will request info from Fire & Inspection and then review and anticipate it will take 30 days. Indicated they could come in and review plans as there were several and tag those which would be sent to Kinkos for copying and char
8/8/2016	McEachern	Request from McEachern's office re-looking for copy of the fire sprinkler suppression plans that were filed with the Fire Department	8/10/2016 & 8/12/16	RPS		RPS sent ltr to indicate we will request info from Fire & Inspection and then review and anticipate it will take 30 days. Indicated they want me to send both files to Kinkos could come in and review plans as there were several and tag those which would be sent to Kinkos for copying and charged to McEachern's Office.
8/4/2016	NH Legal Assistance	Request from NH Legal Assistance to Chief DuBois for various PD information re: CHINS	8/12/2016	RPS		RPS sent ltr to indicate we will request info from PD and then review and anticipate it will take 30 days.
8/3/2016	Michaeline Smith	Ltr from Michaeline Smith requesting police reports from an incident that took place on 7-6-16 involving Jeffrey Pesarik	8/12/2016 & 9/23/16 (sent info from PD)	RPS		RPS sent ltr to indicate that will request from PD and then review and anticipate it will take 30 days. Sent follow-up information received from PD
8/2/2016	Nancy Elwell	E-mail from Nancy Elwell to RPS requesting to view emails sent to the councilors at the city website between 7/14/16 - 8/2/16	8/4/2016	RPS/SMW	2.5 hrs Gary SMW 2.0 hrs 1 hr Raeline	SMW sent her an e-mail response and also prepared a memo to IT requesting information sought
7/26/2016	Asher Rosenfeld	E-mail from Asher Rosenfeld of Flatiron Apps requesting misc. information regarding taxi companies in Portsmouth	8/3/2016	KB/RPS		Kelli has been speaking with Mr. Rosenfeld about the information which he requested in his RTK request - Kelli asked for assistance as Mr. Rosenfeld continued with e-mail request so we sent form letter that he could come in and view materials.
7/19/2016	EBI Consulting	Ltr from EBI Consulting requesting information concerning FedEx	7/20/2016	RPS		Sent letter to EBI that the information which they seek should it be available for review
7/15/2016	Zelita Morgan	Zelita Morgan stopped by the Clerk's Office who in turn sent her to Legal to discuss receiving a copy of the MSA electronically	7/19/2016	RPS		The City Manager authorized that the MSA be place on the Legal Dept. website and therefore I have contacted Zelita Morgan to inform her of its location for her review.
7/14/2016	Atty. Shaheen	Ltr from Atty. Shaheen requesting information concerning an incident on 7-15-15 between Sargent & Qureshi	7/19/2016 & 9/15/16 sent follow-up info	RPS		RPS sent ltr to indicate we will request documentation and provide within 30 days Sent memo received from Chief Mara indicating cannot release info

RIGHT TO KNOW REQUESTS

Request Date	Request From	Request from and Content	Responded Date	Attorney Responsible	Time Put into Preparation	Follow-Up/Comments
7/7/2016	Atty. Fiest	Ltr from Atty. Fiest requesting first floor and basement of the premises located at 36 Market Street	7/11/2016	RPS		RPS sent ltr to indicate they could come in an view records
6/24/2016	LCS	E-mailed letter from LCS re: 139 Flightline Road Info	6/27/2016	RPS		RPS sent a letter which indicated that they could come during business hours to review the documents to the extent that they are public records
6/24/2016	Sheehan Phinney	Ltr from Sheehan Phinney requesting records re: Gas Light	6/28/2016	RPS		RPS sent letter to indicate they could come in and view records
6/23/2016	Mark Brighton	E-mail request from Mark Brighton looking for a copy of the PPAF Operating Agreement	6/23/2016	RPS		Provided Mark Brighton with a copy of the Agreement
6/21/2016	Atty. Wilson	Ltr from Atty. Wilson requesting copies of Mark Pardue's bill during the time from of 2013 - 2016	6/27/2016, 8/9/16, 8/12/16	RPS		RPS sent letter to indicate we will request documentation and provide within 30 days. Obtained records indicated that she could come in and review as they are not in electric format and cost for copies would be \$26.50
6/20/2016	Jeff McMenemy	E-mail request from Jeff McMenemy for DOJ/EPA pleadings filed	6/20/2016	SMW	15 minutes	Provided requested pleadings via e-mail
6/17/2016	EBI Consulting	Ltr from EBI requesting various documents concerning to the Hilton Garden Inn at 100 High Street	6/20/2016	RPS		RPS sent a letter which indicated that they could come during business hours to review the documents to the extent that they are public records
6/6/2016	Keith Pedescleaux	Ltr to Keith Pedescleaux requesting various information concerning tax deed sales	6/10/2016	RPS		Ltr to indicate that should the records exist they can be view, however, have been informed no record exists as requested.
6/5/2016		Ltr requesting various documents concerning to the Hilton Garden Inn at 100 High Street	6/7/2016	RPS		RPS sent a letter which indicated that they could come during business hours to review the documents to the extent that they are public records

RIGHT TO KNOW REQUESTS

Request Date	Request From	Request from and Content	Responded Date	Attorney Responsible	Time Put into Preparation	Follow-Up/Comments
5/25/2016	Beth Dinan	E-mail from Beth Dinan asking for, "all Police Department records and reports pertaining to the investigation referenced in the Nov. 16, 2015 letter from former Chief DuBois to Corey MacDonald re: Laura Cattabriga. The letter references an investigation, including statements taken from Cattabriga and "another police officer who was a witness"	5/26/2016	RPS		Responded that all relevant documents and public records from Legal have been provided and that Chief Mara will be responding on behalf of the PD.
5/25/2016	Erik Anderson	Further questions regarding City Budget for upcoming 2017 fiscal year from Erik Anderson	6/2/16 by Judie & 6/6/2016 by RPS & 6/8/16	RPS		Judie forwarded a response on 6/2/16 and RPS forwarded a response to outside counsel amounts on 6/6/16 and on 6/8/16 sent both Erik Anderson and Jeff McMenemy with add'l info re: Sheri Young of \$1,600
5/17/2016	Mr. Dickinson of LCS	Ltr from Mr. Dickinson of LCS requesting info from 1464 Woodbury Ave	5/23/2016	RPS		Ltr indicating that to the extent the records exist they can come in and view during normal business hours
5/11/2016		Ltr requesting a broad RTK request regarding PI WWTF: (1) every paper and digital design document, analysis and communication relative to flows; (2) every paper and digital design document and analysis and comments relative to nitrogen; (3) every paper and digital relative to phosphorus. Boxes of records provided for inspection and electronic documents produced on flash drive.	5/11/2016 (e-mail response), 5/16/16 (SMW response), 5/25/16 (SMW add'l response); 5/31/16 (SMW add'l response)	SMW	Kolbie 3 hrs / SMW 2.5 hrs (related to phosphorus response)	Initial response from RPS that SMW will be responding; SMW responded that info not kept in the format requested and info online and reviewed by Esther Kennedy; provided info in more detail; more detail added re-phosphorus
5/11/2016	Kimberly Haas	Ltr from Kimberly Haas of the Union Leader for copies of the Nadeau Demand Letter; Bernier Demand Letter; and any other demand letters filed about police since 3/1/16	5/17/2016 & 5/31/16	RPS		Sent letter that she could come in to the Legal Department and review both the Bernier and Nadeau letters. Sent an e-mail with the Police Chief's response also indicated she did not come in to review letters as requested.

RIGHT TO KNOW REQUESTS

Request Date	Request From	Request from and Content	Responded Date	Attorney Responsible	Time Put into Preparation	Follow-Up/Comments
5/11/2016	Atty. Wilson	Ltr from Atty. Wilson requesting various information over a 15 yr period of time		RPS		Atty. Wilson after speaking with Bob was going to amend the letter and submit another letter in its place
5/11/2016	Atty. Wilson	Ltr from Attorney Wilson requested a vast amount of information about demands (released & not) for all municipal records	5/19/2016	RPS		Due to the broad request, RPS denied the RTK request
5/5/2016	EBI Consulting	E-mail of a letter from EBI Consulting requesting misc. information pertaining to 2219 Lafayette Road	5/6/2016	RPS		Indicated that she could come to City Hall and view records should they exist
5/2/2016	Josephine Amatucci	Ltr/Memo from Josephine Amatucci requesting to come into the Legal Department to view the, "Ryan Hitchings... \$21 million for police misconduct	5/2/2016	RPS		She called to confirm receipt of the fax (no address provided on fax) and indicated that she would come in on Tuesday, 5/3, and review the redacted copy of the letter
5/2/2016	Mark Brighton	E-mail from Mark Brighton indicating he would like to amend his earlier request to include, "all documents, reports, and emails related to the Laura Cattabriga (Purslow) incident".	5/2/2016	RPS		Bob responded via e-mail back to Mr. Brighton to indicate that he was still working on the first request and when he is done with it he will direct his attention to the second request.
5/2/2016	Jeff McMenemy	E-mail from Jeff McMenemy requesting, "a copy of any and all letters, emails, memos and other communication related to the contaminated city-owned Haven well at the former Pease Air Force Base from May 1, 2014 to June 15, 2014"	5/3/2016	RPS/SMW	Kolbie .75 hrs. / SMW .5 hrs. / IT 7.5 hrs.	Bob responded that Suzanne would be replying to his request. SMW replied via e-mail that she will commence the search requested using search term "Haven".
4/28/2016	Jeff McMenemy	E-mail from Jeff McMenemy seeking, "...any and all letters sent by city officials to the Charitable Trust Unit ... in the last five years concerning the PPAF and the Prescott Park Trust".	4/28/2016 & 6/1/16	RPS		Have indicated that will take 30 days for review of CM's files and forwarded copy to Terry Knowles of CTU & Followed up on 6/1 to indicate no letters found in either Legal or City Manager

RIGHT TO KNOW REQUESTS						
Request Date	Request From	Request from and Content	Responded Date	Attorney Responsible	Time Put into Preparation	Follow-Up/Comments
4/28/2016	Mr. Robert Burke	Mr. Robert Burke came to the Legal Department at approx. 9:35 a.m. requesting, "a copy of the demand letter from the Texas lawyer (Attorney Androphy)	4/28/2016	RPS		sent an email to nhcrev@gmail.com and told him to call and make an appointment to come in and review letter (will need to redact the letter prior to showing Mr. Burke)
4/25/2016	Ms. Burbank of Insurance Adjustment Service	E-mail from Ms. Burbank of Insurance Adjustment Service requesting complaints/requests relative to the issue over in that location? It is where the West End Theater/Portsmouth Music and Arts is located...	4/26/2016	SMW		Suzanne responded via w-mail to indicate it will take us 30 days to obtain that information for review.
4/19/2016	Atty Jeff Fraser	Ltr from Atty Jeff Fraser requesting records in the Police Department regarding Mark Connolly, Steve Marchand, Chris Sununu and Colin Van Ostern	4/27/2016	RPS		Wrote ltr to indicate would request records from Chief as time allows and then review available
4/14/2016	Mark Brighton	E-mail from Mark Brighton requesting an unredacted copy of Laura Cattabriga's demand letter	4/18/2016 & 5/16/16	RPS		Sent Brighton a letter that it will take 30 days -- RPS Sent an e-mail dated 5/16/16 indicating he will provide Mark with what he has determined to be the demand letter this week
4/14/2016	Miguel Menchu	Ltr from Miguel Menchu requesting a copy of, "List of tax delinquent properties"	4/18/2016	RPS		Sent Menchu a letter that to the extent that the information which is sought is available for review during normal business hours.
4/13/2016	Sue Polidura	Ltr from Sue Polidura re: Fire Inspection reports for the Women's City Club house located at 375 Middle St.	4/13/2016	SMW		Suzanne spoke with Ms. Polidura and explained that she can view the records and take photos of the records but if she wishes hard copies there will be a charge. Asked Pat Howe to make records available for review.
3/25/2016	Atty. Douglas	Ltr from Atty. Douglas requesting, "...pay and benefits from municipal employees... earning wages of \$100,00 and higher"	4/1/16 & 4/6/16	SMW		Suzanne spoke with Attorney Douglas on 4/1/16 and indicated would provide information ALSO, on 4/6/16 SMW forwarded the list of employee (both municipal and school wages)
3/22/2016	Peter Weeks	Peter Weeks has requested consumption histories of various large Pease water users (on behalf of Peter Weeks)		RPS		Bob authorized Judy Renaud to provide Peter with the information requested as info is public record
3/21/2016		Ltr requesting expenses at PDA for Road upkeep; police services; water services; golf course services; wastewater treatment services and various other questions related to PDA		SMW		

RIGHT TO KNOW REQUESTS						
Request Date	Request From	Request from and Content	Responded Date	Attorney Responsible	Time Put into Preparation	Follow-Up/Comments
3/10/2016	Mr. Noard	E-mail from Mr. Noard requesting information related to the waste treatment plant... follow-up e-mail dated 3/15/16 requesting location workers will park	3/14/2016 & 3/21/16	SMW		Sent e-mail response and directed Mr. Noard to wastewater home page for answers to many questions; provided additional answers to questions
3/7/2016	Cathy Baker	Ltr from Cathy Baker re: Peirce Island WWTF (3 specific requests) as well as her direct verbal request to the Finance Director	3/11/16 (ltr) & 3/17/2016 (e-mail)	RPS/SMW		Sent ltr to indicate 30 day to obtain records and review and to make them available for review. Sent follow up e-mail
2/17/2016	Chelepis & Associates	Second E-mail request from Chelepis & Associates for, "ltr re-Georgia pacific water & sewer bills..."	2/22/2016	RPS		Sent e-mail response that indicates to see letter from City of 2/10/16 as same request as one dated 2/9/16
2/11/2016	Thomas Nies	Letter from Thomas Nies re: Misc. Info associated with KRT Appraisal	2/18/2016	SMW		Sent ltr indicating he could come in and review documents and obtain copies if necessary
2/10/2016	Debb Ranger	E-mail from Debb Ranger asked for, ltr re-cert of ins info	2/11/2016	RPS		Sent letter that the records were available for review but that we did not need to forward documents.
2/10/2016	Paul Mannle	Paul Mannle requested a copy of the Prescott Trust document	2/11/2016	RPS		Sent via e-mail pdf copies of information requested
2/9/2016	Chelepis & Associates	E-mail from Chelepis & Associates for, "ltr re-Georgia pacific water & sewer bills..."	2/10/2016	RPS		Sent letter that the records were available for review but that we did not need to forward documents.
2/4/2016	Ecolab	E-mail from Ecolab to have inspection reports for Quality Assurance programs (of four food establishments) in Portsmouth	2/5/2016	RPS	Responded, moderate effort	Sent ltr to indicate can review should reports exists; not required to gather and mail.
1/7/2016	Republican State Committee	Request from Republican State Committee looking for Military Veterans' property tax information	1/8/2016	RPS		Ltr sent to indicate do not need to create a list and can review documents at City Hall
12/23/2015	Beth Dinan	Requested a copy of the letter forwarded to Paul Sorli regarding recent fire	12/23/2015	RPS		Sent Beth a pdf of letter requested

RIGHT TO KNOW REQUESTS						
Request Date	Request From	Request from and Content	Responded Date	Attorney Responsible	Time Put into Preparation	Follow-Up/Comments
12/22/2015	Kim Haas	Request from Kim Haas of Union Leader copies of Chief DuBois & Deputy Chief MacDonald's separation agreements	12/23/2015	RPS		Email sent to Haas with two documents requested attached
12/14/2015	Beth Dinan	E-mail from Beth Dinan requesting, "...information about payouts for unused time to Mike Schwartz and Stephen DuBois	12/14/2015	SMW		CM sent e-mail that indicated he would ask Judie to get the requested information and send it to Beth
12/11/2015	Mark Brighton	E-mail from Mark Brighton requesting the cost of the Brenna investigation	12/11/2015 & 12/15/15	RPS		RPS responded via e-mail, "I do not happen to have it, but I will request it and forward the cost of the investigation to you when received." On 12/15/15 sent Brighton an e-mail to indicate cost of \$1,540.00
12/8/2015	Sandra Makmann	Ltr from Sandra Makmann of Country View Restaurant (tenant) requesting copies of all water consumption bills for the restaurant located 696 Portsmouth Ave. from 1/13 - 12/15 as well as the commercial/office building at same address for same time period	12/9/2015	SMW		Judy Renaud provided the information requested to Ms. Makmann, took appx 1/2 of time
12/4/2015	Attorney Lyons	E-mail from Attorney Lyons re: review any and all contracts the City has with surrounding communities to provide water and sewer services	12/4/2015 & 12/7/15 (Materials Reviewed by Atty. Lyons)	RPS		Contacted the Clerk and she provided several agreements/tariffs on file in Clerk's office (Atty. Lyons came to office on 12/7 to view materials collected)
11/23/2015	Beth Dinan	Call from Beth Dinan requesting a copy of Mr. Mara's agreement with the City (was told by Police Commissioners to contact either Legal or HR for a copy)	11/23/2015	RPS		Provided a copy to Beth via e-mail
11/16/2015	Atty Lawton	Ltr from Atty Lawton looking for copy of police report for 9-19-15 dog bite incident at Sheraton		RPS		Sent Letter on 1-21-15 to provide the redacted police report requested
11/13/2015		Follow Up to 10/22 RTK request for, "specifically what elected official authorized Ms. Ferrini's testimony? If no elected official did, what city employee did? In addition, you never responded as to if Ms. Ferrini is the former Mayor Ferrini's wife?"		SMW		

RIGHT TO KNOW REQUESTS

Request Date	Request From	Request from and Content	Responded Date	Attorney Responsible	Time Put into Preparation	Follow-Up/Comments
11/5/2015	Esther Kennedy	Request from Esther Kennedy To review all communications from 2007 forward between (1) the City of Portsmouth and the Environmental Protection Agency and (2) the City of Portsmouth and the NH Department of Environmental Services relative to Peirce Island Wastewater Treatment Facility and the Pease Evaluation.	11/5/2015	SMW	On Thursday (11/5) 2 hours - PW time [1.5 hours for Amy Chastain's and .5 hours of James' time - pulling boxes]; ----- On Friday (11/6) 6.25 hours total - 2.75 hours - PW time (Amy & Terry D.) plus 3.5 hours - Legal time (Suzanne & Raeline)	Spoke with Esther and she will be coming into the office on Monday, 11/9/15 to review the Consent Decrees to date.
10/30/2015	Rate Liner	Request from Rate Liner re: requesting copies of complaints regarding use of trailer		RPS		
10/28/2015	Larry Jordan	Request from Larry Jordan re: Freedom of Access Act to receive the below listed current water bills from four properties	11/2/2015 (2nd notification sent with copies of commercial bills requested on 11/4/15)	SMW		E-mailed him back asking for further clarification (Second notification sent from Judy Renaud with copies of current bills for specific commercial properties)
10/22/2015	Portsmouth Taxpayers	Hand delivered ltr from Assoc. of Portsmouth Taxpayers asking for requests for info that Google/Companies like Google/A company based out of California/RTK request that involved 1500 pages and 16 hours to review the documents.	10/26/2015 (sent follow-up letter on 11/6/15) (sent follow-up letter on 11/20/15)	SMW	1 hr.	City's GIS Coordinator is reviewing his files and I expect to further respond to your document request by November 6, 2015 (2nd letter sent with responses on 11/6/15)
10/22/2015	Beth Dinan	Request from Beth Dinan re: Info re employees' # yrs. payout	10/26/15 (by City Manager supplying info in excel format)	SMW		Manager Supplied info
10/21/2015	Mr. Caswell	Hand delivered ltr from Mr. Caswell looking for letter re: Merged Lot 65 Mendum Ave.	10/22/2015	RPS		Sent ltr to indicate 30 days to obtain records from Assessing, review and make them available for review.
10/21/2015	Portsmouth Taxpayers	Hand delivered ltr from Assoc. of Portsmouth Taxpayers asking for requests for info that Google is asking in RTK requests	10/21/2015	SMW		Spoke with Mark Brighton and requesting clarification of what they are requesting

RIGHT TO KNOW REQUESTS

Request Date	Request From	Request from and Content	Responded Date	Attorney Responsible	Time Put into Preparation	Follow-Up/Comments
10/20/2015	Thomas Nies	Ltr requesting Assessing info from Thomas Nies	10/28/2015	SMW		Sent Ltr indicating no e-mails and add'l info available on Assessor's website containing report etc.
10/19/2015	Beth Dinan	E-mail from Beth Dinan requesting, "...all PFD reports related to the fire in the police station shooting range on July 30, 2013."	10/20/2015 / 10/28/15 sent second ltr	RPS		Sent ltr to indicate 30 days to obtain records from FD and review and to make them available for review. (2nd ltr indicated obtained doc. from FD and to call to set-up appt to review; also ATF report cannot be reviewed without prior authorization from ATF)
10/7/2015	Mark Weelden	Ltr from Mark Weelden of Covanta to Jacob Levenson of DPW re: copies of "...all public records pertaining to the city's solid waste disposal and hauling contract(s) per RFP #72-15..."	10/7/15 (via e-mail), 10/8/15 spoke with Peter Rice as well	Jacob Levenson of DPW made contact with Mr. Weelden and SMW tracked	Met with DPW to review the documents and when came in 10/16/15 it was more on the lines a meet and greet to have DPW utilize Covanta	Initial contact made by DPW and set up for a meeting to review requested records on 10/16/15
9/9/2015	Gerald Zelin	Ltr from Zelin to Rick Taintor re: communications between Board members & staff pertaining to HarborCorp appeals	9/11/2015	RPS	Rick Taintor Responded, moderate effort	Sent ltr attaching documentation and can view materials during normal business hours.
9/9/2015	Atty. Bissonnette of ACLU	Ltr from Atty. Bissonnette of ACLU re: Tor relays	9/17/2015	RPS	Of Aclu Responded, moderate effort	Sent ltr to indicate 30 day to obtain records from PD and review and to make them available for review.
8/14/2015	Ecolab	E-mail from Ecolab to have inspection reports for Quality Assurance programs (of four food establishments) in Portsmouth	8/17/2015	RPS	Responded, moderate effort	Sent ltr to indicate can review should reports exists; not required to gather and mail.
8/10/2015	Commissioner Cavanaugh	E-mail request from Commissioner Cavanaugh requesting records of all calls on July 14 and July 15 from Kathy Levesque & Chief DuBois offices including his cell phone.	8/11/2015	RPS	Responded, moderate effort	Sent ltr to indicate 30 days to obtain records and review.

RIGHT TO KNOW REQUESTS

Request Date	Request From	Request from and Content	Responded Date	Attorney Responsible	Time Put into Preparation	Follow-Up/Comments
7/29/2015	Councilor Morgan	E-mail request from Councilor Morgan requesting, "with an itemized list of Portsmouth's payments to Hall & Associates, and to their subcontractors and partners, for work done on our wastewater issues since 2010"	7/31/15 (via CM)	SMW	Responded, moderate effort	Sent e-mail response to request to indicate Hlal & Associates has been compensated \$284,000 from beginning of June 2010 through July 2015.
7/25/2015	Jeff McMenemy	E-mail from Jeff McMenemy seeking documents and e-mails received by city officials from Richard DiPentima since he was appointment chairman of the City's re: Community Advisory Board on the Haven Well contamination...	7/29/2015 & 8/6/15 (via e-mail)	SMW	McMenemy Seeking Documents And E-Mails Received By City Officials From Richard Dipentima Since He Was Appointment Chairman Of The City's Responded, moderate effort	Sent e-mail to indicate reviewing Kim's e-mails and anticipate available for review within a week. Sent e-mail indicating that Jeff was free to come review e-mails which are in hard copy and not available electronically.
7/24/2015	Jim Boyle	Ltr from Mr. Boyle re: Comcast Agreement	7/24/2015 & 7/29/15 (SMW)	SMW	Responded, moderate effort	Indicated that he could contact office to review the materials requested (SMW Sent e-mail to say has documents in her file for review)
7/22/2015	Atty. Cotrupi	Ltr from Atty. Cotrupi re: Any and all records or information you possess, however stored, regarding the accidental, unintended or inadvertent discharge of a firearm by a member of your agency in the past 10 years	7/30/2015	RPS	Responded, moderate effort	Sent 30 day ltr to request preparation of documents
7/8/2015	Jim Boyle	Ltr from Mr. Boyle re: Driveway Permit & AG's info re-title information	7/14/15 & 7/24/2015	RPS	Responded, moderate effort	Sent ltr to indicate would take 14 days to collect info. Sent ltr to indicate documents were available for review in Legal
6/30/2015		E-mail requesting fiscal records	7/1/2015	RPS		Sent ltr that could review documents at any time during City hours (sent via first class mail & e-mail)
6/29/2015	Gerald Zelin	Ltr from Atty. Zelin re Harborcorp structure displayed at the 4/7/14 CC meeting	7/2/2015	RPS		Sent to extent illustrations exist they would be public records. If they can be found you may review them as soon as it can be arranged.

RIGHT TO KNOW REQUESTS

Request Date	Request From	Request from and Content	Responded Date	Attorney Responsible	Time Put into Preparation	Follow-Up/Comments
6/29/2015	Gerald Zelin	Ltr from Atty. Zelin re Harborcorp for communications since 1/1/13	7/7/2015	RPS	Ongoing responses: significant effort (over 8,000 e-mails) / Over 12 hours of attorney time to date (non-recoverable costs associated for electronical records searching); a more detail specific search took approx.. 1.5 hours of atty time on 11/20/15.	Sent ltr to indicate will take time and need to pull communications and review same; over 8,000 emails identified and being reviewed and released by SMW. Over 15 hours invested and production still ongoing.
6/25/2015		E-mail requesting Commercial Property Info including the assessed value info	no response necessary			Mr. Simard indicated no need for info to be sent to Legal as a RTK Request as they would work with what Rosanna has available
6/22/2015	Blackstone Consulting	Ltr from Blackstone Consulting re: Beechstone Apts.	6/26/2015	RPS		Sent ltr that could review documents at any time during City hours (sent via first class mail & e-mail)
6/19/2015	Fairfield Inn General Manager	Conversation from Fairfield Inn General Manager requesting original complaint that brought Kim to do inspection finding out new owners without permits	6/23/2015	SMW	Minimal effort	Atty. Delyani called indicating representation and a copy of the e-mail complaint was forward to him by SMW
6/5/2015	Atty. John Sherman	Ltr from Atty. John Sherman re: Martingale Wharf / Deck Expansion request to Peter Britz	6/5/2015	RPS	Moderate effort	Ltr indicating it will take up to 30 days to gather information for review
6/5/2015	Atty. John Sherman	Ltr from Atty. John Sherman re: Martingale Wharf / Deck Expansion request to City Manager	6/5/2015	RPS	Moderate effort	Ltr indicating it will take up to 30 days to gather information for review
6/5/2015	Atty. John Sherman	Ltr from Atty. John Sherman re: Martingale Wharf / Deck Expansion request to Rick Taintor	6/10/2015	RPS	Moderate effort	Ltr indicating it will take up to 30 days to gather information for review
5/19/2015	David Sakowich of WMUR	E-mail request from David Sakowich of WMUR	5/22/2015 & 6/9/15	RPS & Chief	Minimal effort	Chief indicated it would take approx.. 30 days to gather the requested information re: hit and run misc. reports, personal injury, property damage (for the years 2012 - 2015) On 6/9/15 Chief forwarded information gathered from Gil.
5/18/2015	Jeff McMenemy	E-mail Request from McMenemy requesting a complete copy of the final report on the High/Hanover Parking Garage	5/22/2015	SMW	Responded: minimal effort.	Sent E-mail indicating that it would be produced on Thursday 5/28/15

RIGHT TO KNOW REQUESTS

Request Date	Request From	Request from and Content	Responded Date	Attorney Responsible	Time Put into Preparation	Follow-Up/Comments
5/11/2015	Dan Sterner	E-mail Request from Dan Sterner requesting April 7th and May 1st letters from Attorney Carter re: Beechstone		KM		Kim was going to make available the two letters requested
5/6/2015	Jeff McMenemy	E-mail/Ltr Request from McMenemy re: Haven Well	5/8/2015	SMW	Responded: significant effort involving thousands of electronic documents (over 20 hours of legal intern time and 6.5 attorney hours for first round of production). Requesting party was satisfied after further several hour effort and no further demand made for continuing review	Sent ltr that will need additional time
4/28/2015	Edward Furlong	Ltr from Edward Furlong requesting Janet Champlin's personnel and disciplinary file	4/30/2015 & 6/30/15	RPS		Sent ltr that in trial and will review records and get back in touch; 2nd ltr sent which indicated per RSA 91-A:5 & 105:13-b as well as Police SOP - personnel file not provided
4/15/2015	Carl Diemer	Ltr from Carl Diemer requesting all agendas, minutes and supporting documentation for the Sagamore Creek Feasibility Committee that conducted meetings over the past few months	4/17/2015			David Moore responded with information
3/27/2015	Autumn Carter	Ltr from Autumn Carter, Executive Director California Common Sense requesting City's Budgets from 2008 - 2015 and Financial Reports for 2015	3/30/2015			Sent ltr that the documents are available for review and that per RSA City needs to provide them for review and not copy.
3/19/2015	Beth Dinan	Ltr from Beth Dinan (4th of five for week) seeks all documents, minutes and correspondences, pertaining to 113 Cottage Street during the past 12 months.	3/23/2015	RPS		Indicating that would gather the documents requested and she could give 2 days notice to view the same.

RIGHT TO KNOW REQUESTS

Request Date	Request From	Request from and Content	Responded Date	Attorney Responsible	Time Put into Preparation	Follow-Up/Comments
3/18/2015	Beth Dinan	Ltr from Beth Dinan (3rd of five for week) seeks all documents and correspondences, pertaining to the Middle School construction project, during the past 12 months. This request includes correspondences to or from city officials and members of the Joint Building Committee, with all contractors, consultants and attorneys hired to work on the project or to help resolve disputes	3/23/2015	SMW	Responded: significant effort (over 12 hours attorney time) and school business administrator, clerk of the works and other staff time assembling documents for inspection.	Provided lengthy letter and invited her to have a discussion with the co-chairs about the project and offer of review of certain portions of file as it is an open matter and negotiations with contractors/subcontractors ongoing.
3/17/2015	Beth Dinan	Ltr from Beth Dinan (2nd of five for week) looking for all documents pertaining to all out-of-court settlements the city negotiated between January of 2013 and the present, including the amounts of money paid by the city, or its insurer, to settle the legal claims.	3/20/2015		Responded: minimal effort, documents available at City Clerk's office	Sent ltr she could view any settlements on file with the City Clerk's office.
3/16/2015	Beth Dinan	Ltr from Beth Dinan (1st of five for week) looking for job titles, descriptions, salary, hourly wage for all employees hired by the City during the past twelve months.	3/17/2015	RPS/DF	Responded: minimal effort by legal, moderate effort by human resources as information was not in readily available format.	Sent ltr would be a little time to gather information and would supply info by 4/3
3/12/2015	Debby Ranger	Email from Debby Ranger looking for a copy of Cert of Gen Liability	3/16/2015			Sent ltr indicating we don't mail info and can come in to review information - SENT E-MAIL RESPONSE AS WELL AS LTR WAS RETURNED BY POSTAL SERVICE
2/25/2015	Atty Fogg	Ltr from Atty Fogg re: requesting records in Martin litigation	3/13/2015			Memo prepared by PD providing information from 1/1/07 - 6/30/12
2/16/2015	Jon Petree	Email from Jon Petree seeking water and sewer bills for the previous twelve months for PRH	2/19/2015	RPS		Sent ltr indicating we don't mail info and can come in to review information
1/26/2015	Atty Douglas	Ltr from Atty Douglas re: PD reports pertaining to Kim Price	2/2/2015	RPS		Sent ltr to indicate collection of documents to take approx.. 30 days
1/21/2015	Nate	Request from Nate to receive list of employees (names, titles e-mails etc.)	1/23/2015	RPS		Sent e-mail that we do not have to create document
12/22/2014	Don Gould	Phone call from Don Gould requesting copy of Judge Wageling's Order in Subaru	12/22/2014	RPS		Made copy for pick up by Mr. Gould and charged \$7.50 fee.

RIGHT TO KNOW REQUESTS

Request Date	Request From	Request from and Content	Responded Date	Attorney Responsible	Time Put into Preparation	Follow-Up/Comments
12/22/2014	Ben Heller	Request from Ben Heller re-Tax Liens and/or Tax Deeds	12/24/2014	RPS		Sent a letter that can view in Tax Office but that we do not need to create documents but can view what we have.
12/17/2014		Request for Medical Records of deceased patient	1/29/2014	RPS	Responded: minimal effort to deny	Concerns of invasion of privacy, HIPPA and the like - not inclined to produce requested records
12/12/2014	Atty. Fogg	Ltr from Atty. Fogg re: Melinda Longtin v. City requesting documentations pertaining to a fall	12/16/2014 & (4/6/15)	RPS	Responded: moderate effort by legal to identify, assemble and review documents and time by public works, fire and police department unknown	Sent ltr that documents collected from various departments and would take 30 days (Second ltr sent providing documentation from Police, Fire & Public Works)
12/8/2014	John Dumont of CBRE Ellis	E- mail request from John Dumont of CBRE Ellis re: 80, 100 & 120 Spaulding Turnpike records	12/9/2014	RPS		Sent ltr that documents available for review during normal business hours at City Hall.
12/8/2014	Jim Boyle	E-mail request from Jim Boyle re: Review of large sewer plans	12/8/2014	SMW	Responded: minimal (less than hour) effort.	Spoke with Atty. Kuzinevich and indicated Boyle could review documents at City Hall.
11/24/2014	Mr. Hewitt	E-mail request from Mr. Hewitt re: ARCADIS scope of work to evaluate the Pease option	12/1/2014	SMW		Sent an e-mail due to holiday will provide the info shortly/ 12/1/14 sent e-mail to inform could view document in Legal Dept. or receive a copy at a charge of \$7.00
11/20/2014	Ms. Autry	E-mail with ltr from Ms. Autry re: 43 Beechstone Road (Beechstone Apts.)	11/24/2014	SMW/RPS		Sent ltr that could review documents at any time during City hours
11/5/2014	Ms. Marte of IVI Assessment	E-mail from Ms. Marte of IVI Assessment looking for various dept. records regarding 1500 Lafayette Rd	11/6/2014	RPS		Sent ltr that could review documents at any time during City hours
10/23/2014	Christopher Muro	Ltr from Christopher Muro looking for certified copies of all records re 287 Marcy St.	10/24/2014	RPS		Sent Ltr that could go to each dept. to review and have copies made
10/23/2014	Atty. Cotrupi	Ltr from Atty. Cotrupi re: Bobbett info		RPS	Moderate effort	Sent Ltr that add'l time needed
10/22/2014	Atty. Richardson	E-mail from Atty. Richardson re: Yard Waste Disposal Info.	10/23/2014	SMW		Information was received from the Public Works Dept. and picked up by Atty. Richardson on 10/23/14
10/21/2014	George Dempsey	Ltr from George Dempsey looking for 911 records for specific Dennett St properties from 2011 through 2014	10/24/2014	RPS		Sent Ltr that add'l time needed - Followed Up with ltr dated 11/13/14 providing information
10/19/2014	Justin Richardson	Request from Justin Richardson re: Town of N. Hampton looking for Yard Waste Info.	10/23/2014	SMW		Atty. Richardson picked up materials provided by PW

RIGHT TO KNOW REQUESTS

Request Date	Request From	Request from and Content	Responded Date	Attorney Responsible	Time Put into Preparation	Follow-Up/Comments
10/14/2014	Chester Chellman	Ltr from Chester Chellman re: incident reports relating to 9-1-1 calls on August 21st and 22nd	10/27/2014	RPS		Sent letter that needed add'l time - Followed up with ltr dated 11/13/14 providing info from PD
9/26/2014	Atty. Doleac	Ltr from Atty. Doleac re: Goodwin personnel file etc.		RPS		Sent packet of info. 10/23/14
9/8/2014	Shaun Rafferty	Shaun Rafferty (came into Legal Dept. requested info regarding Prescott Trust/Will pertaining to Prescott Park	9/8/2014	SMW		Sent an e-mail providing the Will and Deed information
8/27/2014	BBCRD - Represents Sliwinski	BBCRD - Represents Sliwinski in a slip and fall matter	9/3/2014	SMW	Moderate effort	Sent Ltr that add'l time needed
8/4/2014	Catherine Baker	Catherine Baker requested copy of PPAF Agr & had a couple of other questions	8/4/14 (SMW provided an e-mail response attaching PPAF agreement)	SMW		
8/1/2014	Robert Burke	Ltr from Robert Burke requesting some letters from Det. Dept.	10/6/2014	RPS		requested a more specific request for dates of ltrs, addressee and topic.
7/14/2014	Jeff McMenemy	Request from Jeff McMenemy re: Consultants working for the City	7/15/14 (verbal response) 7/16/14 sent ltr indicating time needed	SMW		Sent Ltr that add'l time needed
7/1/2014		Request of Top Five Water/Sewer Customers & COLA amount	7/10/2014	CM & Brian Goetz		Email reply with info
6/9/2014		Ltr to Kristyn Bernier, PPD re: J Bobbett	6/12/14 (1st response) 6/23/14 (2nd response)	RPS	Responded, moderate effort	Provided memo from PPD
6/2/2014	Mannle	Ltr to City Clk from Mannle requesting review of emails & letters to and from City Council individually or collectively from 5/13/14 - 6/2/14	6/6/14 (Kelli sent letter and indicated 30 days)	RPS/Kelli	Requested over the course of multiple months, significant effort	Bob prepared ltr for Kelli indicating it would take time to collect to the extent that they are in the possession of City government.
6/2/2014	Tom Morgan	Emails from Tom Morgan re: Restoration of Middle School Athletic Field	6/3/14+	SMW/Dan Hartrey		Email reply

RIGHT TO KNOW REQUESTS						
Request Date	Request From	Request from and Content	Responded Date	Attorney Responsible	Time Put into Preparation	Follow-Up/Comments
4/29/2014		E-mail of April 29, 2014 concerning two fires that occurred at Harbour Place at 135 Bow Street	4/30/2014	RPS	Moderate effort	Provided copies of two reports as requested
4/24/2014	Karen Norris of Boutin & Altieri	E-mail from Karen Norris of Boutin & Altieri requesting current contract with Waste Management	4/24/2014	SMW		SMW authorized Roberta Orsini of PW to forward document directly to Ms. Norris.
4/15/2014	Attorney Howard	E-mail from Attorney Howard re: Joshua Krantz to 91-A request for file 13-10885	4/20/14 (response sent via e-mail no formal second ltr necessary)	RPS	Moderate effort	Request was made to Nicole Perl by RAO per RPS via e-mail to provide documents responsive to the expanded request Nicole performed a more specific search and we provided information provided by PD (Second Search performed after telephone discussion and information provided)
4/15/2014	Atty. Bissonnette of ACLU	Ltr from Atty. Bissonnette of ACLU re: panhandling	4/18/2014 & 4/23/14	RPS	Moderate effort	
4/7/2014	Atty. Martin	Ltr from Atty. Martin re-Dos Amigos & Red Doord	4/9/2014	RPS		Indicated to contact Kristin to review file materials
4/7/2014	Atty. Perrault	Ltr from Atty. Perrault re-Joshua Krantz/The Page Restaurant		Corey MacDonald	Moderate effort	Materials were forwarded by Deputy Chief Corey MacDonald
4/4/2014	Christopher Wilt	E-mail from Christopher Wilt re: Parking Tickets (parking violations going back as far as 1980)	4/8/2014 Second Follow Up Due (4/29/14)	JF		Indicated can review by calling Parking and that due to time period files may be archived
4/4/2014	Samantha Zimmerman	E-mail from Samantha Zimmerman of Zoning - Info	4/17/2014	RPS		sent e-mail response that to the extent documents exist, they could be reviewed; not required to copy and forward (spoke again on 4/25/14 with Cassie Phelps to indicate compliance has been made and available and documents could be viewed)
4/4/2014		Ltr to Chief of PD requesting call logs, transcript, call recordings for accident		RPS		PD provided telephone log and report but denied copy of recording or transcript pursuant to RSA 106-H:14
3/27/2014	Abramson, Brown & Dugan	Ltr from Abramson, Brown & Dugan requesting inspect and copy all records regarding Coakley Landfill 480 Breakfast Hill Road	3/31/2014	RPS	Extensive Effort	Indicated to call to come and review boxes of documents.
3/12/2014	Gallagher Hogan	E-mail from Gallagher Hogan re-21 Brewster Street	3/12/2014	RPS	Moderate effort - materials assembled requester never followed through for review	E-mail forwarded that it will take approx. 30 days for collection of documents and 2nd response;

RIGHT TO KNOW REQUESTS

Request Date	Request From	Request from and Content	Responded Date	Attorney Responsible	Time Put into Preparation	Follow-Up/Comments
3/7/2014	ACLU	Ltr from ACLU re: panhandling	3/11/2014	RPS	Responded: moderate effort by legal department, time for PD to collect unknown.	Sent ltr indicating it would take approx.. 30 to retrieve records from PD - had a follow-up call with Nicole and Atty. Bissonnette on 4/15/14
3/5/2014	Philip Reisen	Ltr from Philip Reisen	3/11/2014	RPS	Responded: minimal effort.	Sent ltr (both pdf & mail) indicating could review records if they existed; not required to provide copies
3/4/2014	Jim Kane	Jim Kane came in and requested video and minutes of 3/3/14 meeting (431-0818) that portion dealing with Transgender	3/7/2014	SMW	Responded by telephone and voicemail with information. No follow-up from requesting party.	SMW spoke with Mr. Kane and indicated that she would look into his request and that there was a fee with respect to receiving a copy of the video - SMW called and left a message but no response back from voice message left
3/3/2014	Resource Utility Consultants	Ltr from Resource Utility Consultants	3/4/2014	SMW	Responded: minimal effort; information provided by accounting	Information requested was e-mailed by Judith Renaud
2/26/2014	Ann Marie Corbett	E-mail from Ann Marie Corbett of SmarProcure, LLC requesting Vendor Info	3/11/2014	RPS		Sent ltr indicating could review records if they existed; not required to provide copies
2/13/2014	Atty Howard	Ltr from Atty Howard re: Joshua D. Krantz	2/14/2014	RPS	Responded: moderate effort by legal to review documents and time by PD unknown	Sent ltr indicating forwarding to PD and that it would take approx.. 30 days to get records and review.
1/28/2014	Gary Kohlenberg	E-mail from Gary Kohlenberg re: Records Request from Assessing		Rosann	Responded: Handled by Assessing	Rosann contacted him directly after speaking with Bob
1/24/2014	Richard Brabazon	Richard Brabazon property manager for 21 Brewster - calls for service to 21 Brewster and surrounding area; arrests made that were related to 21 Brewster; and Neighborhood Assoc. Meeting which occurred in 2008	1/29/2014	RPS	Responded: moderate effort by legal department, time for PD to collect unknown.	Sent ltr indicating will take 30 for PD to collect data
1/24/2014	Freedom Energy Logistics	Freedom Energy Logistics	1/29/2014 & 2nd e-mail sent 2/3/14	SMW	Responded: communication back only	Sent e-mail informing of charge for copies or view documents. Waiting for a response back

RIGHT TO KNOW REQUESTS						
Request Date	Request From	Request from and Content	Responded Date	Attorney Responsible	Time Put into Preparation	Follow-Up/Comments
1/24/2014	Rich Brabazon	Ltr from Rich Brabazon requesting records regarding 21 Brewster St	1/29/14 (1st response) 3/5/14 (2nd Response)	RPS	Moderate effort - materials assembled requester never followed through for review	Ltr indicating needing 30 days for PD to gather materials; Ltr indicating appx. 650/700 pages of records being redacted and cost related;
12/19/2013	Atty. Memmsheimer	Ltr. From Atty. Memmsheimer re: Marino	12/24/13 & 1/14/14	RPS		Sent ltr indicating will take 30 days for PD to collect data, data received from PD and forwarded.
12/13/2013	Marissa Drehobl	Ltr. From Marissa Drehobl of IVI re: 1600 & 1618 Woodbury Avenue (Durgin Square)	12/16/2013	SMW	Responded: minimal effort	Sent ltr indicating reviewing records and will respond prior to end of year.
11/18/2013	Atty. Greeley	Ltr from Atty. Greeley re-Fisher Scientific	11/22/2013	RPS	Responded: minimal effort by Legal; follow through by Inspections Department	Rick Hopley working with Atty. Greeley directly regarding review of documents
9/25/2013	Nicolas Medina Mora	E-mail from Nicolas Medina Mora asking for the City's property tax rolls in a machine readable format	first response was 9/25/2013; and second response due by 10/5/13	RPS		Responded by email and that the documents can be made available for inspection and City is not required to forward documents to anyone
9/24/2013	Tom Carroll	Ltr from Tom Carroll re: Photos taken by JCP & Report as well as City's response to JCP's report of scrap metal debris on Market St)	Hand Delivered 9/30/13	RPS	Responded: minimal effort	Provided copies of photos taken by Jason
9/17/2013		Phone request to CM's Office for copies of documents regarding Kellah complaint about Beechstone in Feb '13	9/20/2013	RPS		Documents provided
9/16/2013	Lenore Weiss Bronson	Lenore Weiss Bronson on behalf of Frank Jones Farm Neighborhood re: Study on stop sign installation on Woodbury Avenue	partial answered 9/16 by CM - Legal response mailed on 9/26/13	RPS	Responded: minimal effort	partially answered by CM providing analysis - Legal to respond for RSA that governs this matter. Legal forwarded RSA and item from analysis
9/16/2013	Tom Carroll	Ltr from Tom Carroll re: Scrap Metal Debris collected by Grimmel on Market St)	9/17/2013	RPS		Indicated not obligated to get records from another location (PDA)
8/22/2013	Thomas Irwin	Thomas Irwin re: Great Bay Coalition	9/16/2013	SMW		Did not take copies of redacted bills
8/13/2013	Gerald Zelin	Gerald Zelin re: Norther Tier Study	8/16/2013	SMW	Responded: minimal effort by legal, approx. hour other staff	Northern Tier incorporated into Master Plan
8/9/2013	Cameron Plante	Cameron Plante from Freedom Energy Logistics re: contract for electricity and, if applicable natural gas	8/13/2013	SMW	Responded: minimal effort	forwarded to Lori MacGinnis and Mark Nelson; Lori called and told Mr. Cameron his two choice in getting documentation requested

RIGHT TO KNOW REQUESTS

Request Date	Request From	Request from and Content	Responded Date	Attorney Responsible	Time Put into Preparation	Follow-Up/Comments
8/5/2013	Thomas Carroll	Thomas Carroll, requesting info about scrap metal collected on Market St. by Grimmel Ind. Employees	8/6/2013	RPS		
7/30/2013	Paula Werme	Paula Werme re: Bearcat Info.	8/2/13 & 8/14/13	RPS	Completed: minimal effort	forwarded to PD for documentation & on 8/14/13 forwarded response from Chief to Atty. Werme
7/10/2013	Atty. Villano	Atty. Villano re: Webber	1st response was 7/15/13; final response provided on 8/23/2013	RPS	couple of hours for legal to complete and unknown PD staff time	Reviewing docs. With Darrin Sargent & Gil Emery 8/16/13
6/25/2013	Atty. Eby	Atty. Eby re: Webber	1st response was 7/1/13; final response provided on 8/23/2013	RPS	couple of hours for legal to complete (moderate effort) and unknown PD staff time	Reviewing docs. With Darrin Sargent & Gil Emery on 8/16/13

City of Portsmouth

Department of Public Works



MEMORANDUM

TO: John P. Bohenko, City Manager

FROM: Peter Rice, Director of Public Works

DATE: June 29, 2018

SUBJECT: City Weed Control Program

In an effort to contain costs, the City Council voted to exclude an additional \$260,000 to fund the organic weed and turf management program in the Fiscal Year 2019 Budget. This vote effectively supersedes the September 2017 Council Policy which required the elimination of synthetic products for weed and turf management.

To adjust to this budget shortfall, the Department of Public Works will practice an Integrated Vegetation Management (IVM) program that uses an array of strategies to minimize the use of synthetic compounds. These strategies include cutting the dosage of synthetic herbicide by blending it with an organic degreaser to improve the penetration of herbicide into the weeds. Point spraying of weed versus broadcast spraying to reducing the amount synthetic herbicide needed to control weeds as well as limited hand pulling of weeds in certain areas.

In addition, staff will continue to explore alternative methods of weed control and turf management using organic compounds and the possibility of using of low pressure steam to control weeds. Staff has been tracking this emerging technology and its use in the US as well as Europe. Based on our review it appears there are a number of schools, and universities that use this approach but it does not appear to be adopted at a municipal level yet in the United States. Staff is currently exploring the potential of renting a steam unit to conduct a pilot effort. The goal of this effort would be to quantify the time, cost and effectiveness of steam weed control before committing tax dollars to an emerging technology.



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information.
Please submit resume' along with this application.

Committee: Zoning Board of Adjustment Initial applicant

Name: John Formella Telephone: 850-375-1707

Could you be contacted at work? YES / NO If so, telephone # 603-271-8791

Street address: 939 Maplewood Ave Unit 1

Mailing address (if different): Same

Email address (for clerk's office communication): jformella@gmail.com

How long have you been a resident of Portsmouth? 5 3/4 years

Occupational background:

I currently serve as Legal Counsel for Governor
Chris Sununu. Prior to that I worked as
a corporate and environmental attorney at
Pierre Atwood LLP in Portsmouth.

Please list experience you have in respect to this Board/Commission:

I have served on the ZBA as an alternate
member since July of 2016. I also spent
4 and a half years practicing environmental
and land use law.

OVER
➔

Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES/NO

Would you be able to commit to attending all meetings? YES/NO

Reasons for wishing to serve: I have an interest in land use that stems from my time practicing land use law.

Please list any organizations, groups, or other committees you are involved in:

Board Member, McLaguer Memorial FMS
Chair, Portsmouth Republicans

Please list two character references not related to you or city staff members:
(Portsmouth references preferred)

1) Patrick Collins, 920 Middle Rd, Portsmouth, NH 802-558-2282
Name, address, telephone number

2) Jeff Kisiel, 30 Elm Court, Portsmouth, NH 603-770-2763
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This application is for consideration and does not mean you will necessarily be appointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature: [Signature] Date: 6/29/18

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes No

Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801
6/29/2018

THADDEUS (TED) J. JANKOWSKI, JR.

27 Franklin Street
Portsmouth, NH 03802
Telephone: (207) 650-6428
Internet: thaddeusjj@gmail.com

July 4, 2018

Portsmouth City Hall
Attention: Mayor's Office
1 Junkins Ave
Portsmouth, NH-03801

Dear Jack,

I wish to inform you that I regrettably have to resign from the Conservation Commission. I recently accepted a new job that requires me to be away from Portsmouth during the week, and as you know the Conservation Commission meetings are on Wednesday afternoons. It was an unexpected development, and I am really disappointed to leave the Commission.

I really enjoyed working with the Commission and its many talented members. There are some really smart and insightful people on the Commission. Maybe down the road when I am old enough to retire, I will be knocking on the door again.

Jack I want to thank you and the City Council, for giving me the opportunity to serve the citizens of Portsmouth.

Sincerely,

Ted Jankowski



THE 2018
PORTSMOUTH
CONFERENCE
Learn • Discuss • Engage

CLIMATE POLICY CHOICES: PAYOFFS AND TRADE-OFFS

June 28, 2018

Dear Mayor Jack Blalock,

Do you remember studying about the Bretton Woods Conference held here in the 40's? 730 delegates from 44 nations came to New Hampshire and ended up creating the International Bank for Reconstruction and Development and the International Monetary Fund. People still refer to The Bretton Woods Conference as the foundation upon which the current economic order was built.

Well, let me tell you about New Hampshire's latest endeavor that will shine a light on our State and be spoken about throughout the world, **The Portsmouth Conference**. The Portsmouth Conference will convene biennially to address different public policy issues which will involve leading national and international speakers in a civil dialogue before an audience of opinion and decision leaders.

As set out in the enclosed information, this first Portsmouth Conference will include an international panel that will discuss public policy choices as relating to and effecting climate. The Conference will be quite the gathering of international experts, and it will be a wonderful opportunity to help shape how policies can be honed and implemented for the benefit of all.

The Conference will be held at the Wentworth Resort on October 18 and 19, 2018.

I think you — with both your personal history here in New Hampshire and your business interests — should be a part of the inaugural Portsmouth Conference. I am also looking for sponsors. Two International Group will be sponsoring for \$5,000.00, and I'm looking for other local business to contribute as well.

Will you join us in bringing such a bright light to our state? You will be instrumental in letting the world know how New Hampshire works, thinks, and acts. We will remind the world that New Hampshire is still a place where momentous things happen.

Best regards,
Renee Plummer

Board of Directors:

Paul M. Montrone

John Ogden

Renee Plummer

Claude Roessiger

Geoffrey Weiss



THE 2018
PORTSMOUTH
CONFERENCE
Learn • Discuss • Engage

The Portsmouth Conference
The Creation of a New Hampshire Institution

The Portsmouth Conference convenes leading international thinkers to consider and address major public policy issues in civil and open dialogue before an audience of thought and decision leaders.

Each Conference will consider a different public policy discussion, of major national and international significance. The Conference will provide a unique opportunity for participants to explore better decision making, better investment strategies, and better policies on economic, regulatory and societal levels.

Harkening back to New Hampshire's history of major international conferences—Bretton Woods and the Treaty of Portsmouth—the Conference will seek to create value by the restoration of impartial and multi-perspective dialogue between best thinkers, before an audience of active participants, all within a civil context. The Conference is hosted by Citizens Count NH—with over 200,000 members the largest organization in New Hampshire—known and respected since 2008 for its non-partisan information platform, surveys, commentary and blogs.